

Environmental Conservation Commission



February 7, 2023
Town Hall
2121 Cross Timbers Road
Flower Mound, TX 75028

6:30 p.m.

AGENDA

A. CALL TO ORDER

B. INVOCATION

C. PLEDGE OF ALLEGIANCE TO THE AMERICAN FLAG

D. PUBLIC COMMENT

The purpose of this item is to allow the public an opportunity to address the Board/Commission regarding any item on this agenda that is not a "Public Hearing." Issues regarding daily operational or administrative matters should first be dealt with by calling Town Hall at 972- 874-6000 during business hours. To speak to the Board/Commission during public comment, please fill out a comment form, which is located in the lobby of Town Hall.

In accordance with the Texas Open Meetings Act, the Board/Commission is restricted from discussing or acting on items not listed on the agenda.

- Speakers are limited to 3 minutes; a tone will sound at 30 seconds left and when time has expired, and times may be adjusted by the Chair depending on the number of speakers.
- Speakers must address their comments to the Board/Commission.
- Please state your name and address when speaking.

E. STAFF/DIRECTOR REPORT

F. CONSENT ITEM(S)

This part of the agenda consists of non-controversial, or "housekeeping" items required by law. Items may be removed from Consent by any Commissioner by making such request prior to a motion and vote.

1. Consider approval of the minutes from the regular meeting of the Environmental Conservation Commission held on January 3, 2023.

G. REGULAR ITEM(S)

1. Consider an application for a tree removal permit (TRP23-0001) for fifteen (15) specimen trees on property proposed for development as Caldwell Court. The property is generally located east of Morriss Road and north of Cortadera Street.

H. SUBCOMMITTEE REPORT

I. COORDINATION OF FUTURE AGENDAS/MEETINGS

J. ADJOURN

I do hereby certify that the Notice of Meeting was posted on the bulletin board at the Town Hall for the Town of Flower Mound, Texas, in a place convenient and readily accessible to the general public at all times and said Notice was also posted on the Town's website in accordance with GC Section 551.056 on the following date and time: February 3, 2023, at 4:30 p.m., at least 72 hours prior to the scheduled time of said meeting.

Matt Woods, Staff Liaison

The Flower Mound Town Hall and Jody Smith Hall are wheelchair accessible. Requests for accommodation or interpretive services must be made 48 hours prior to this meeting by contacting Town Hall at 972.874.6000. Additional time limits will be provided for members of the public that need to address the Town Council through a translator.

Environmental Conservation Commission



January 3, 2023
Town Hall
2121 Cross Timbers Road
Flower Mound, TX 75028

6:30 p.m.

MINUTES

A. CALL TO ORDER

The Environmental Conservation Commission met in a regular meeting with the following members present:

Marilyn Lawson
Deanna Soper-Pinkelman
James Seastrom
KC Walsh
Alton Bowman
Anna Athappan
Andra Schwenk

Chair
Vice Chair
Commission Member, Place 2
Commission Member, Place 3
Commission Member, Place 6
Commission Member, Place 5
Commission Member, Place 10

with the following member(s) absent:

Rich Murchek
Emily Strittmatter
Juli Greenberg

Commission Member, Place 1
Commission Member, Place 8
Commission Member, Place 9

constituting a quorum with the following members of the Town Staff participating:

Matthew Woods
Jimmy Hoefert
Joe Whiteley
Helena Lynch

Director of Environmental Services
Environmental Review Analyst
Environmental Review Analyst
Administrative Assistant

Marilyn Lawson called the regular meeting to order at 6:31 PM.

B. INVOCATION

C. PLEDGE OF ALLEGIANCE TO THE AMERICAN FLAG

D. PUBLIC COMMENT

The purpose of this item is to allow the public an opportunity to address the Board/Commission regarding any item on this agenda that is not a "Public Hearing." Issues regarding daily operational or administrative matters should first be dealt with by calling Town Hall at 972- 874-6000 during business hours. To speak to the

Board/Commission during public comment, please fill out a green comment form, which is located in the lobby of Town Hall.

In accordance with the Texas Open Meetings Act, the Board/Commission is restricted from discussing or acting on items not listed on the agenda.

- Speakers are limited to 3 minutes; a tone will sound at 30 seconds left and when time has expired, and times may be adjusted by the Chair depending on the number of speakers.
- Speakers must address their comments to the Board/Commission.
- Please state your name and address when speaking.

Names listed below don't necessarily reflect the order in which each person spoke and all addresses are located in Flower Mound unless otherwise indicated.

	Speaker name and address	Subject (as written on the form)
1.	Fred Vincent	Water, air, wildlife, quality of life

** Indicates person did not wish to speak*

E. STAFF/DIRECTOR REPORT

Update and status report related to environmental issues and events, regulatory activities, and projects.

F. CONSENT ITEM(S)

This part of the agenda consists of non-controversial, or "housekeeping" items required by law. Items may be removed from Consent by any Commissioner by making such request prior to a motion and vote.

1. Consider approval of minutes from the regular meeting of the Environmental Conservation Commission held on December 6, 2022.

ACTION: Commission Member Karyn Walsh moved to approve item F.1. as presented in the agenda caption. Commission Member James Seastrom seconded the motion.

AYES: Alton Bowman, Andra Schwenk, Annaprabha Athappan, Deanna Soper-Pinkelman, James Seastrom, Karyn Walsh

NAYS: None

ABSTAIN: None

RESULT: 6:0

G. REGULAR ITEM(S)

1. Consider an application for a tree removal permit (TRP22-0023) for one (1) specimen tree on Lot 1, Block C of the Pepper Creek Ranch Addition subdivision. The property is located at 4424 Kimball Xing.

Staff Presenter

Jimmy Hoefert, Environmental Services Review Analyst, gave a presentation

with the following items and answered questions:

- Project Information
- General Location
- Detailed Location
- Tree Survey
- Specimen Trees Requested for Removal
- Motion/Recommendation

Applicant Presenter

Curt Dubose, Builder, with Pentavia Custom Homes, 1900 W Kirkwood Blvd., Southlake, TX 76262 answered questions.

ACTION: Vice Chair Deanna Soper-Pinkelman moved to approve item G.1. as presented in the agenda caption. Commission Member Andra Schwenk seconded the motion.

AYES: Alton Bowman, Andra Schwenk, Annaprabha Athappan, Deanna Soper-Pinkelman, James Seastrom, Karyn Walsh

NAYS: None

ABSTAIN: None

RESULT: 6 : 0

2. Consider an application for a tree removal permit (TRP22-0021) for six (6) specimen trees on property proposed for development as Lakeside Center Phase II. The property is generally located south of Lakeside Parkway along and between Long Prairie Road and Northwood Drive.

Staff Presenter

Jimmy Hoefert, Environmental Services Review Analyst, gave a presentation with the following items and answered questions:

- Project Information
- General Location
- Detailed Location
- Tree Survey
- Specimen Trees Requested for Removal
- Motion/Recommendation

Applicant Presenter

Megan Hatcher, Landscape Architect, with McAdams, 111 Hillside Drive, Lewisville, TX 75057, gave a presentation with the following items and answered questions:

- LOI
- TRP signs

- Tree Survey

Spencer Long, Realty Capital Management, 909 Lake Carolyn Pkwy Ste 150, Irving, TX 75039 answered questions.

Public Comment

Names listed below don't necessarily reflect the order in which each person spoke and all addresses are located in Flower Mound unless otherwise indicated.

	Speaker name and address	Subject (as written on the form)
1.	Kevin Hutchens, 370Northwood Dr	Opposed to TRP22-0021 & TRP22-0022
2.	James Harris, 416 Northwood	Opposed to TRP22-0021 & TRP22-0022
3.	Claire Harris, 416 Northwood	Opposed to TRP22-0021 & TRP22-0022
4.	George Karatzis, 408 Northwood	Opposed to TRP22-0021 & TRP22-0022
5.	Tim Whisenant, 2300 Olympia	Opposed to Agenda item G.2 & G.3
6.	Fred Vincent, 3933 Bordeaux Cir.	Opposed to TRP22-0021 & TRP22-0022

* Indicates person did not wish to speak

ACTION: Commission Member James Seastrom moved to deny item G.2. as presented in the agenda caption. Vice Chair Deanna Soper-Pinkelman seconded the motion.

AYES: Alton Bowman, Andra Schwenk, Annaprabha Athappan, Deanna Soper-Pinkelman, James Seastrom, Karyn Walsh

NAYS: None

ABSTAIN: None

RESULT: 6 : 0

3. Consider an application for a tree removal permit (TRP22-0022) for one (1) specimen tree on property proposed for development as Lakeside Crossing. The property is generally located south of Lakeside Parkway along and between Long Prairie Road and Northwood Drive.

ACTION: Vice Chair Deanna Soper-Pinkelman moved to deny item G.3. as presented in the agenda caption. Commission Member Annaprabha Athappan seconded the motion.

AYES: Alton Bowman, Andra Schwenk, Annaprabha Athappan, Deanna Soper-Pinkelman, James Seastrom, Karyn Walsh

NAYS: None
ABSTAIN: None
RESULT: 6 : 0

H. SUBCOMMITTEE REPORT

Receive updates and status reports related to subcommittee activities and establish subcommittees as necessary.

I. COORDINATION OF FUTURE AGENDAS/ MEETINGS

J. ADJOURN

Chair Lawson adjourned the meeting at 8:35pm and all were in favor.

DRAFT



ENVIRONMENTAL CONSERVATION COMMISSION AGENDA G.1. REGULAR ITEM(S)

DATE: February 7, 2023
FROM: James Hoefert, Environmental Review Analyst
ITEM: **Consider an application for a tree removal permit (TRP23-0001) for fifteen (15) specimen trees on property proposed for development as Caldwell Court. The property is generally located east of Morriss Road and north of Cortadera Street.**

BACKGROUND: The Caldwell Court development consists of approximately 5.395 acres and is generally located east of Morriss Road and north of Cortadera Street. The proposed site for new residential development is currently zoned for Agricultural (A) uses and master planned for medium density residential. The applicant is proposing to rezone the 5.395 acres to Planned Development District No. 193 (PD-193) with Single Family District-10 (SF-10) uses. According to the tree survey for the project, the site contains a total of eighteen (18) specimen trees, and the applicant is requesting to remove fifteen (15) of the specimen trees on the site. The specimen trees proposed for removal are in good to fair condition and located within the proposed buildable area.

The following is a list of the fifteen (15) specimen trees being requested for removal:

Tree #3502 – 33” pine;
Tree #3508 – 31” post oak (fair condition);
Tree #3533 – 32” pecan;
Tree #3534 – 25” pecan (fair condition);
Tree #3537 – 26” pine;
Tree #3550 – 23” blackjack oak (fair condition);
Tree #3552 – 25” pine;
Tree #3625 – 38” american elm;
Tree #3647 – 25” water oak;
Tree #3656 – 25” water oak;
Tree #3659 – 25” american elm;
Tree #3672 – 37” american elm;
Tree #3691 – 29” water oak
Tree #3699 – 26” water oak; and
Tree #3709 – 37” water oak

The Town’s tree ordinance requires that specimen trees removed from the site be replaced at a rate of two times their caliper inches. Based on their size, 874” of replacement trees, equaling 292 three-inch caliper trees, will be required for the fifteen (15) specimen trees being requested for removal on this site. In addition, protected trees removed will also require replacement at a tree-for-tree rate. The developer is proposing to preserve existing trees on the site, so there will be credits available for the preservation of those trees. Mitigation may be accomplished by paying the applicable fee, planting mitigation trees, or through a combination of planting trees and paying the required fee.

BOARD REVIEW/CITIZEN FEEDBACK: As of February 3, 2023, staff has not received feedback related to this item.

ALTERNATIVES: N/A

FISCAL IMPACT: N/A

LEGAL REVIEW: N/A

ATTACHMENTS:

1. Letter of Intent
2. Specimen tree removal permit application
3. Photographs of the specimen trees proposed for removal
4. Photograph of approved signage onsite
5. Tree Survey

DRAFT MOTION: Move to recommend approval or denial of the requested permit for the removal of fifteen (15) specimen trees on property proposed for development as Caldwell Court. The property is generally located east of Morriss Road and north of Cortadera Street.



January 9, 2023

Development Services
Town of Flower Mound
2121 Cross Timbers Rd
Flower Mound, Texas 75028

RE: Caldwell Court Tree Removal Letter of Intent

To Whom It May Concern,

Homeyer Engineering, Inc., on behalf of our client, is submitting this tree removal letter as it relates to the proposed Caldwell Court single family residential development. This 5.395 acre site was used as an individual single family residence and as a result, the surrounding properties were developed around it thus creating this infill property.

The subject property has a total of eighteen (18) specimen trees located within its boundaries. In addition, the subject property has approximately ten (10) feet of grade difference from the front to the back. In order to adhere to the Town of Flower Mound's development regulations we are not allowed to have lot to lot drainage. As a result, the interior of the site will need to be lowered in order to make the stormwater drain away from the neighboring properties and to contain it on-site. In doing so, the native soil will be lowered to create the proposed roadway subgrade and interior swales to achieve the required drainage patterns.

As mentioned above, there are eighteen specimen trees located on this property. Of the eighteen trees, three (3) are proposed to remain and fifteen (15) are proposed to be removed. Seven (7) of the trees to be removed are either located within the limits of the proposed roadway or in a drainage easement. The remaining eight (8) trees either fall within the building pads or within the aforementioned swales. There are two trees located along the eastern property boundary that we proposed to keep. However, after discussions with town staff it was determined that these two trees may not survive after the proposed improvements are constructed. As a result, these trees have been identified to be removed. Although they are identified to be removed on the submittal documents, my client is still planning to try to save them during the construction process.

We look forward to working with the Town of Flower Mound to complete this project and to bring yet another quality neighborhood to the central area of the town. Should you have any questions regarding this submittal, please feel free to contact me at shomeyer@hei.us.com or 972-906-9985

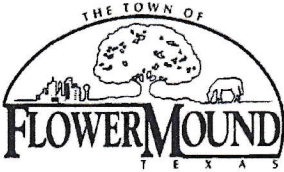
Sincerely,

HOMEYER ENGINEERING, INC.

TBPE Firm Registration No. F-8440



Steven R. Homeyer, P.E.
President



Town of Flower Mound Environmental Services
Mailing Address: 2121 Cross Timbers Road, Flower Mound, TX 75028
Telephone: 972-874-6340 Website: www.flower-mound.com

TREE REMOVAL PERMIT

(Effective for Developments submitted 10/6/08 - present)

Check one: ☐ Protected Tree

☒ Specimen Tree

☐ Historic Tree

This application is required to be submitted 30 days prior to the next available ECC hearing.

1. Applicant- Note: Must be an ISA certified arborist, certified forester, or a registered landscape architect.

Name:

STEPHEN SALES

Address:

15455 DALLAS PKWY #600
ADDISON, TX 75001

Phone:

800-680-6630

Applicant's Legal Interest in the Property:

LANDSCAPE ARCHITECT

2. Property Owner(s)

Name(s): KINDER-GARDEN FOUR DEVELOPMENT, LP

Address: PO BOX 270058

FLOWER MOUND, TX 75027

3. Location and Legal Description of Property:

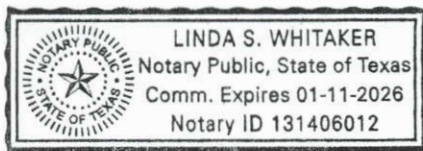
4000 MORRIS ROAD

TRACT 3, J. EADS SURVEY, ABSTRACT #391

PROPOSED CALDWELL COURT

4. Owner's Authorization of Representation

I, Michael Swayden, the owner of the above described real property, do hereby authorize Stephen Sales to represent my interests and to file an Application for Tree Removal Permit for said real property, pursuant to the terms and provisions of Chapter 94 (Trees), of the Land Development Regulations of the Town of Flower Mound, Texas Code of Ordinances.



Michael Swayden
Signature of Owner

Given Under My Hand and Seal of Office
This the 9th Day of Jan., 2023

Linda Whitaker
Notary Public
In and For Denton County, Texas.

5. Applicants Affidavit- Note: Applicant must be an ISA certified arborist, certified forester, or a registered landscape architect.

Subject to criminal penalties contained in Subpart B, the Land Development Regulations of the Town of Flower Mound, Texas Code of Ordinances, I _____, do hereby swear or affirm that all of the Information contained herein and submitted herein is, to the best of my knowledge, true, correct and complete and that no false, misleading or incomplete information has been intentionally provided or submitted with this Application for a Tree Removal Permit.

Signature of Applicant

Landscape Architect License No. _____
State of Licensure _____
Or ISA Certified Arborist No. _____
Or Certified Forester No. _____

Given Under My Hand and Seal of Office
This the ____ Day of _____, 20____

Notary Public
In and For _____ County, Texas

6. Received by Town of Flower Mound on (Date) 1/10/2023 by
(initials) JRH.

4. Owner's Authorization of Representation

I, _____, the owner of the above described real property, do hereby authorize _____ to represent my interests and to file an Application for Tree Removal Permit for said real property, pursuant to the terms and provisions of Chapter 94 (Trees), of the Land Development Regulations of the Town of Flower Mound, Texas Code of Ordinances.

Signature of Owner

Given Under My Hand and Seal of Office
This the ____ Day of _____, 20 ____

Notary Public
In and For _____ County, Texas.

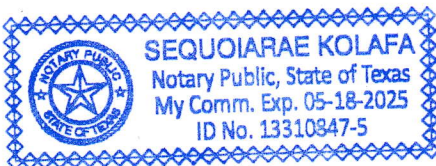
5. Applicants Affidavit- Note: Applicant must be an ISA certified arborist, certified forester, or a registered landscape architect.

Subject to criminal penalties contained in Subpart B, the Land Development Regulations of the Town of Flower Mound, Texas Code of Ordinances, I

STEPHEN W. SALES, do hereby swear or affirm that all of the Information contained herein and submitted herein is, to the best of my knowledge, true, correct and complete and that no false, misleading or incomplete information has been intentionally provided or submitted with this Application for a Tree Removal Permit.

Signature of Applicant

Landscape Architect License No. 3470
State of Licensure TEXAS
Or ISA Certified Arborist No. _____
Or Certified Forester No. _____



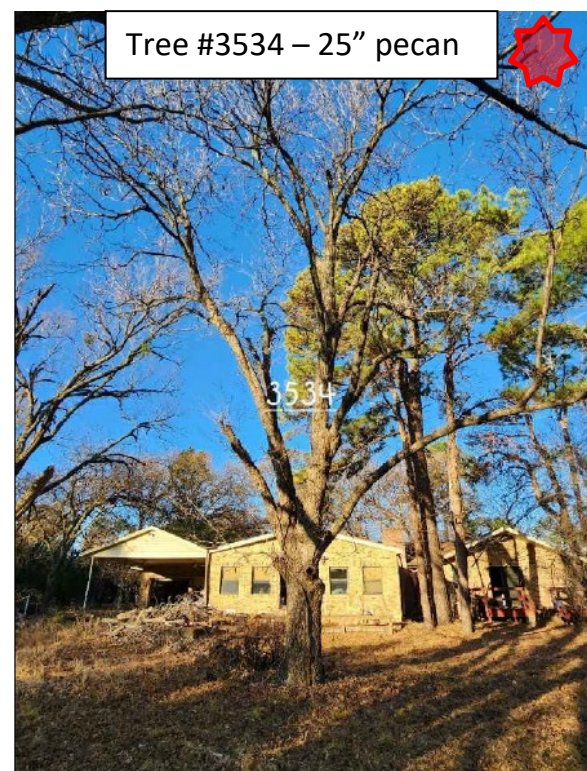
Given Under My Hand and Seal of Office
This the 9th Day of January, 20 23

Notary Public
In and For Bexar County, Texas

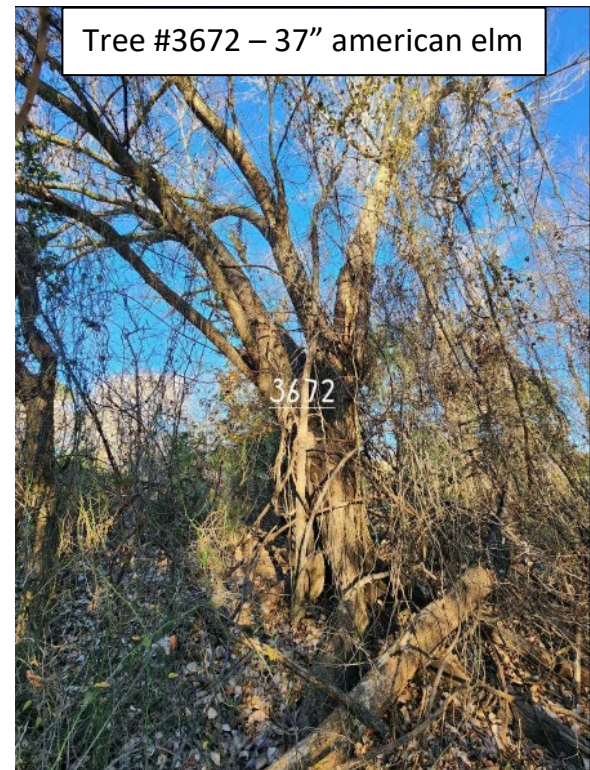
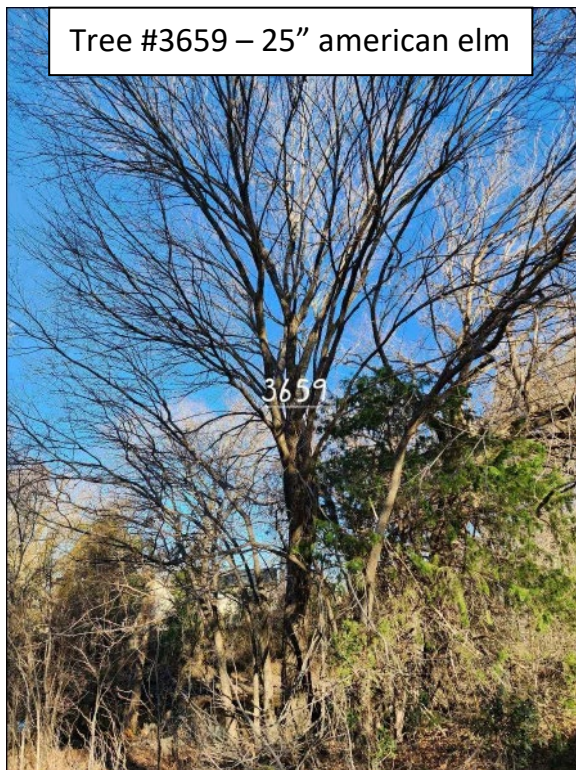
6. Received by Town of Flower Mound on (Date) 1/10/2023 by
(initials) JRH.



Caldwell Court -
Specimen trees proposed for removal







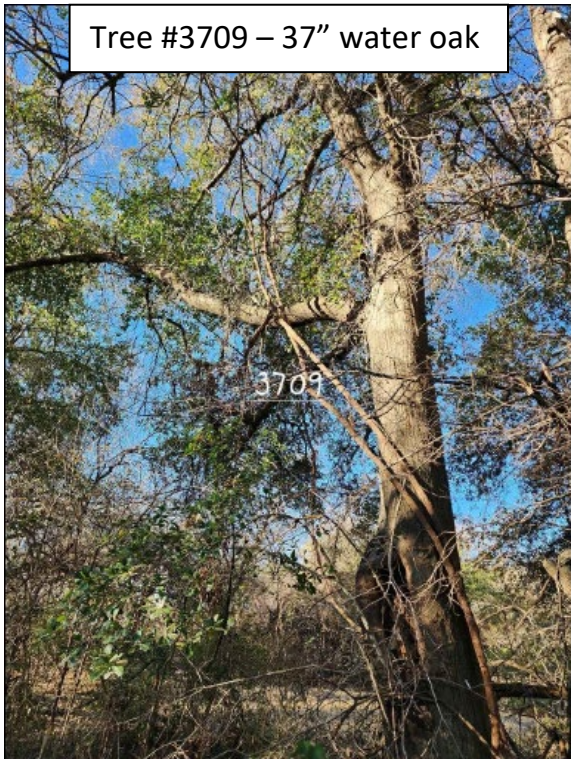
Tree #3691 – 29" water oak



Tree #3699 – 26" water oak



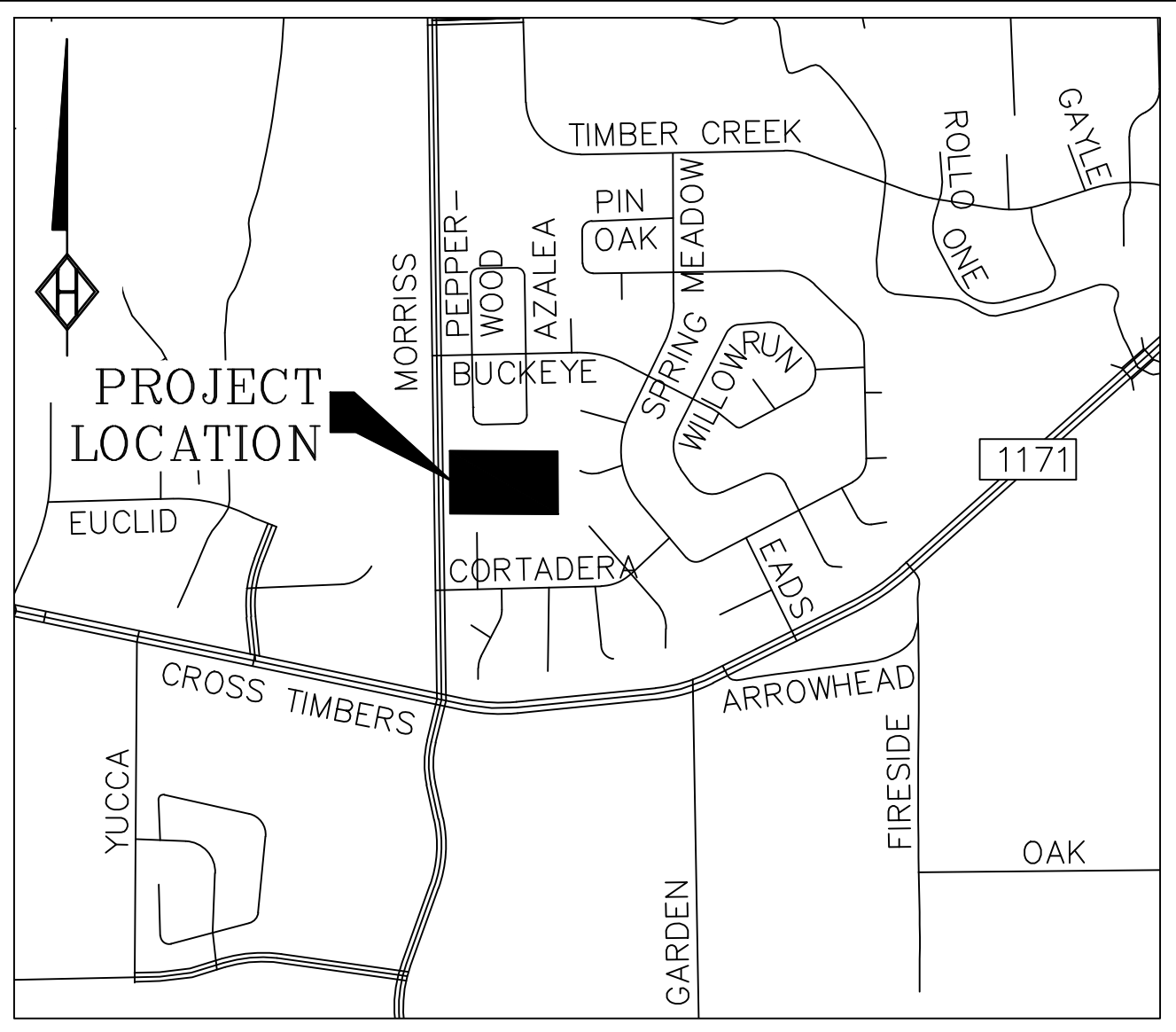
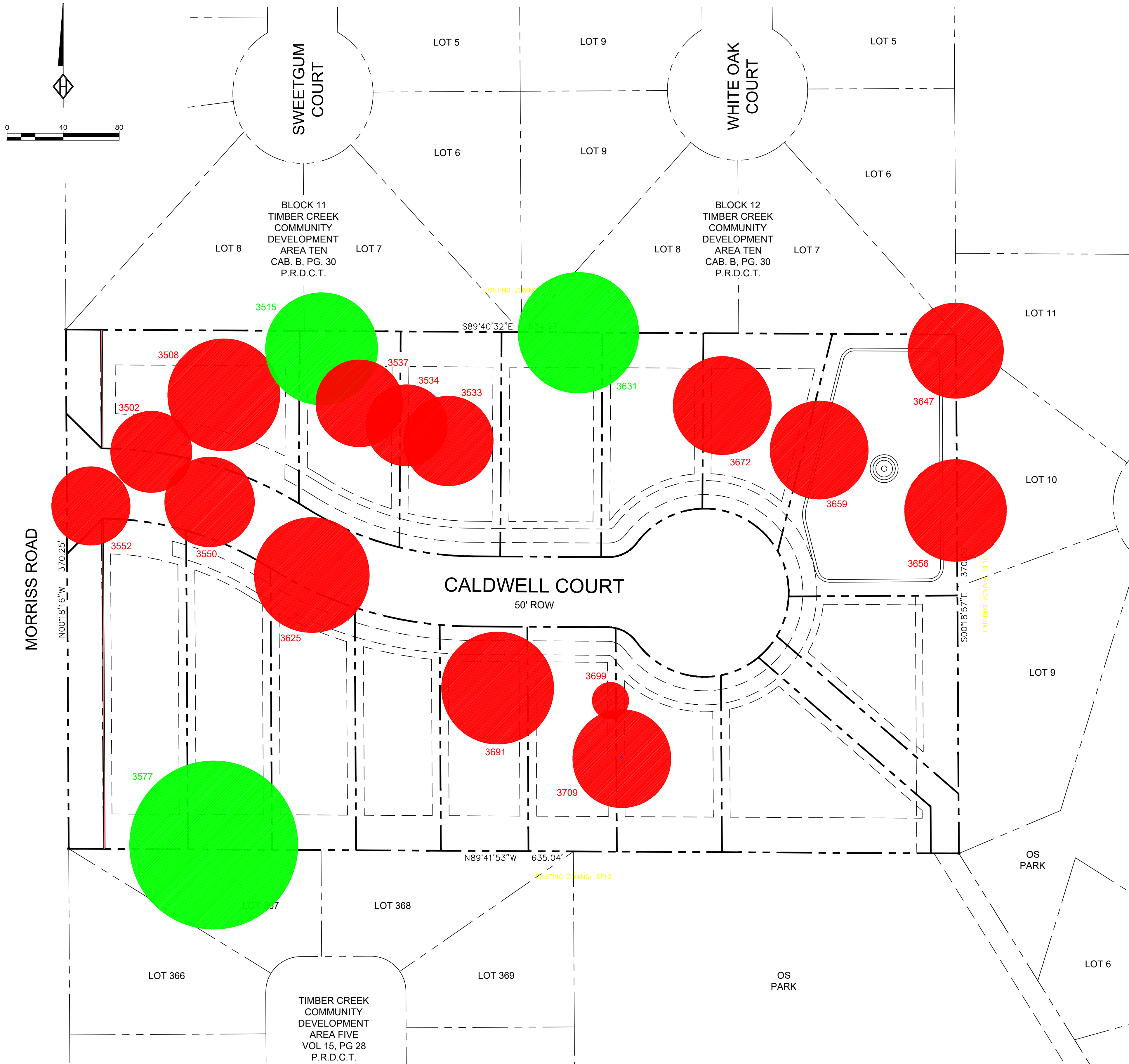
Tree #3709 – 37" water oak



Tree Removal Request Signage

Along Morriss Road





VICINITY MAP
SCALE: 1"=1000'

NUMBER OF PROTECTED TREES: 137
NUMBER OF SPECIMEN TREES: 18
TOTAL NUMBER OF PROTECTED AND SPECIMEN TREES: 155

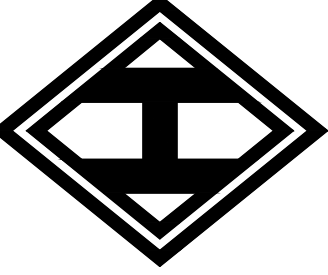
TREE LEGEND

- TREE TO REMAIN (3)
- TREE TO BE REMOVED (15)

PRELIMINARY PLANS

THIS DOCUMENT IS FOR INTERIM REVIEW AND IS NOT INTENDED FOR CONSTRUCTION, BIDDING OR PERMIT PURPOSES.
STEVEN R. HOMEYER, PE # 86942
DATE: 01/06/2023

HOMEYER
ENGINEERING, INC.
TBP# FIRM REGISTRATION NO. F-8440
P.O. BOX 294527 • LEWISVILLE, TEXAS 75029
972-906-9985 PHONE 972-906-9987 FAX
WWW.HEI.US.COM



CALDWELL COURT
5.395 ACRES
TOWN OF FLOWER MOUND
DENTON COUNTY, TEXAS

SPECIMEN
TREE SURVEY
CONCEPT PLAN

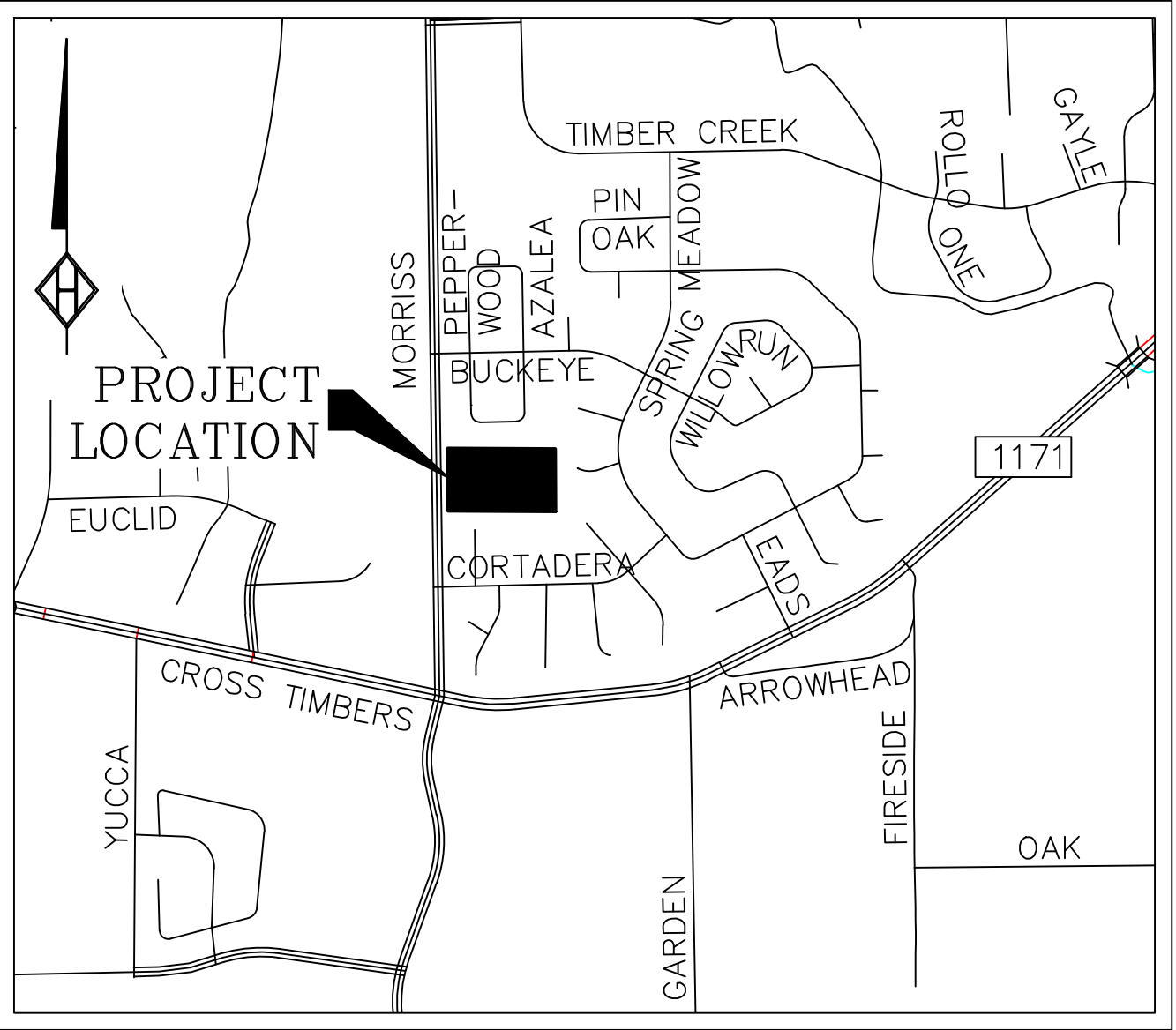
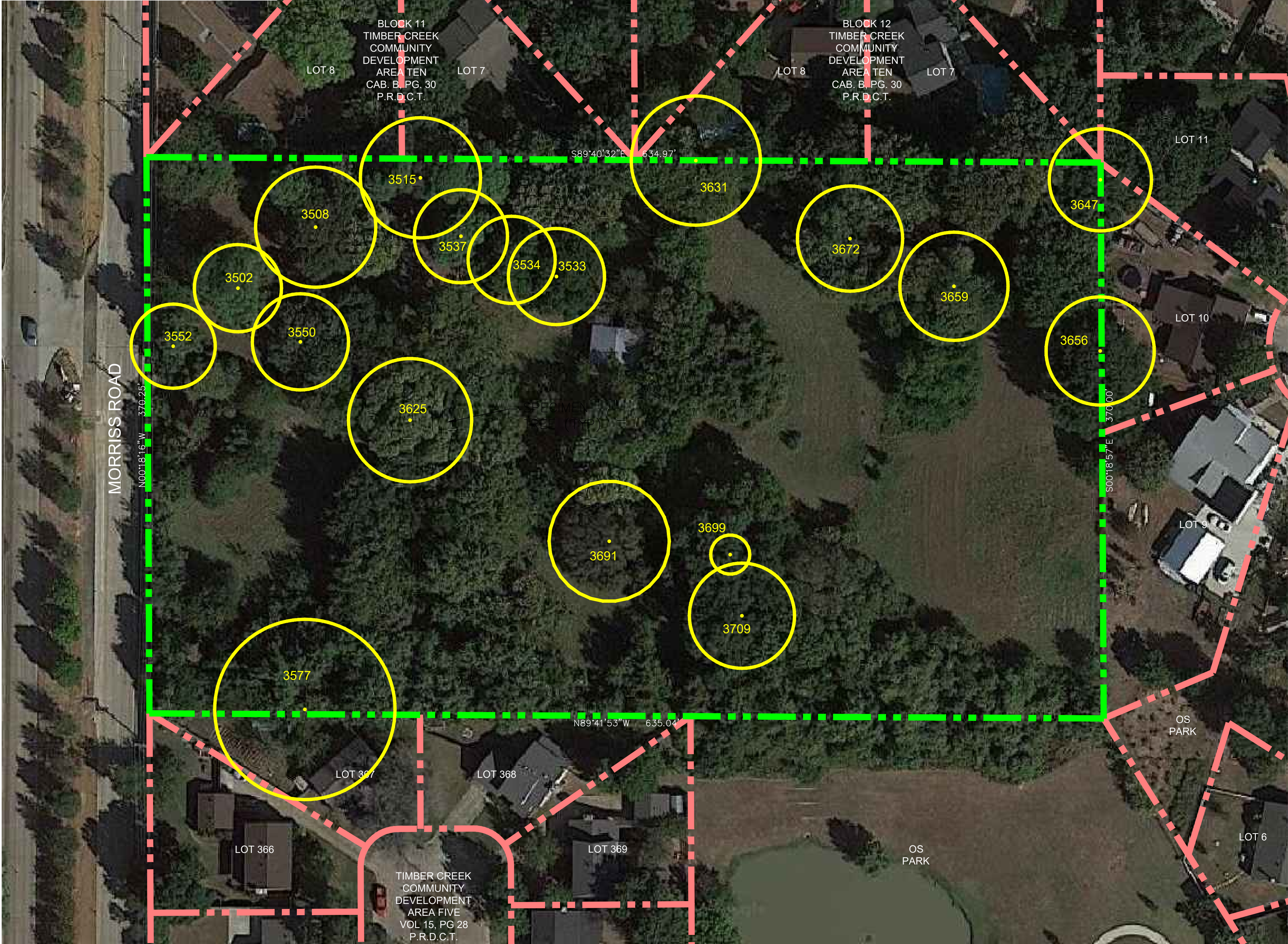
DRAWN: SRH

DATE: 10/10/19

HEI #: 19-1001

SHEET NO:
TSC1

R:\User_data\jdw\19-1001_morriss_residential\dwg\morriss_residential\19-1001_morriss_residential.dwg Thursday, January 19, 2023 2:06:08 PM



VICINITY MAP
SCALE: 1"=1000'

NUMBER OF PROTECTED TREES: 137
NUMBER OF SPECIMEN TREES: 18
TOTAL NUMBER OF PROTECTED AND SPECIMEN TREES: 155

AS THE LANDSCAPE ARCHITECT OF RECORD FOR THE CALDWELL COURT PROJECT, I USED A TREE SURVEY PREPARED BY CODY DAVIS, ARBORIST NO. 76108 TO COMPLETE THE TREE REMOVAL PERMIT AS SUBMITTED TO THE TOWN OF FLOWER MOUND.

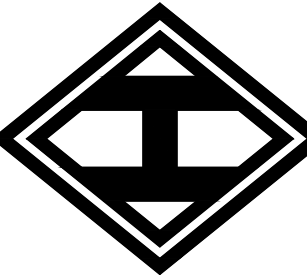


01/19/2023



CODY DAVIS
ARBORIST #76108

HOMMEYER
ENGINEERING, INC.
TBE FIRM REGISTRATION NO. F-8440
P.O. BOX 294527 • LEWISVILLE, TEXAS • 75029
972-906-9985 PHONE 972-906-9987 FAX
WWW.HEI.US.COM



CALDWELL COURT
5.395 ACRES
TOWN OF FLOWER MOUND
DENTON COUNTY, TEXAS

TREE SURVEY

DRAWN: SRH
DATE: 10/10/19
HEI #: 19-1001

SHEET NO:
TS1

