

AGENDA

TOWN OF FLOWER MOUND ENVIRONMENTAL CONSERVATION COMMISSION

REGULAR MEETING

August 4, 2020

**FLOWER MOUND TOWN HALL
2121 CROSS TIMBERS ROAD
FLOWER MOUND, TEXAS**

6:30 P.M.

AN AGENDA INFORMATION PACKET IS AVAILABLE ONLINE AT
[HTTPS://TX-FLOWER MOUND.CIVICPLUS.COM/AGENDACENTER](https://tx-flowermound.civicplus.com/agendacenter)

There will be limited seating in Jody Smith Hall to allow for social distancing

Meeting participants may be asked to wait in the lobby until their name is called

**Comments regarding any item on this agenda can be sent to the Commission Members
by
Emailing: ECC@flower-mound.com or Calling: 972.874.6005**

- A. CALL REGULAR MEETING TO ORDER – 6:30 PM**
- B. INVOCATION AND PLEDGE OF ALLEGIANCE**
- C. PUBLIC COMMENT**

To speak to The Environmental Conservation Commission (ECC) during public comment, please fill out a comment form.

- Turn in form by 6:40 p.m. to Administrative Assistant
- Speakers are limited to 3 minutes; a tone will sound at 30 seconds left and when time has expired
- Please state your name and address when speaking

The purpose of this item is to allow the public an opportunity to address the ECC on issues that are not indicated as a "Public Hearing" on this agenda. Issues regarding daily operational or administrative matters should first be dealt with by calling Environmental Services at 972-874-6340 during business hours.

Environmental Conservation Commission Meeting Agenda

August 4, 2020

Page 2

D. STAFF REPORT

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

E. CONSENT AGENDA - CONSENT ITEMS

This agenda consists of non-controversial or "housekeeping" items and may be approved with a single motion. A member of the Environmental Conservation Commission may request an item(s) be withdrawn from the consent agenda and moved to regular agenda for discussion by making such request prior to a motion and vote on the Consent Agenda.

1. Consider approval of minutes from the regular meeting of the Environmental Conservation Commission held on June 2, 2020.

F. REGULAR ITEMS

2. Consider an application for a tree removal permit for one (1) specimen tree on Lot 2, Block B of the Legends Addition subdivision. The property is located at 3755 Legends Path.
3. Consider a recommendation of an ordinance amending Chapter 94, "Trees", of the Code of Ordinances by amending Section 94-34, "Tree removal permit", to update the requirements and process for posting informational signs on subject properties.

G. SUBCOMMITTEE REPORT

Receive updates and status reports related to subcommittee tasks, activities, and projects.

H. COORDINATION OF FUTURE AGENDAS/MEETINGS

I. ADJOURNMENT- REGULAR SESSION



Matthew Woods

Director of Environmental Services

I do hereby certify that the Notice of Meeting was posted on the bulletin board in Town Hall of the Town of Flower Mound, Texas, a place convenient and readily accessible to the general public at all times and said Notice was posted on the following date and time: July 31, 2020, by 5:00 p.m., at least 72 hours prior to the schedule time of said meeting.



Helena Lynch
Administrative Assistant

The Flower Mound Town Hall and Jody Smith Hall are wheelchair accessible. Requests for accommodations or interpretive services must be made at least 48 hours prior to this meeting by contacting Helena Lynch, Administrative Assistant, at (972) 874-6340.



ENVIRONMENTAL CONSERVATION COMMISSION AGENDA ITEM NO. 1

CONSENT ITEM

DATE: August 4, 2020

FROM: Helena Lynch, Administrative Assistant

ITEM: Consider approval of minutes from the regular meeting of the Environmental Conservation Commission held on June 2, 2020.

BACKGROUND INFORMATION: This agenda item is to consider approval of the minutes from the June 2, 2020, regular meeting of the Environmental Conservation Commission.

CITIZEN FEEDBACK: N/A

ALTERNATIVES/OPTIONS: N/A

FISCAL IMPACT: N/A

LEGAL REVIEW: N/A

ATTACHMENTS:

1. A copy of the draft minutes from the June 2, 2020, regular meeting of the Environmental Conservation Commission.

RECOMMENDATION: Move to approve the minutes from the June 2, 2020, regular meeting of the Environmental Conservation Commission.

FLOWER MOUND ENVIRONMENTAL CONSERVATION COMMISSION MEETING OF JUNE 2, 2020

THE FLOWER MOUND ENVIRONMENTAL CONSERVATION COMMISSION MEETING HELD ON THE 2ND DAY OF JUNE 2020, IN THE FLOWER MOUND TOWN HALL, LOCATED AT 2121 CROSS TIMBERS ROAD IN THE TOWN OF FLOWER MOUND, COUNTY OF DENTON, TEXAS, AT 6:30 PM.

The Environmental Conservation Commission met in regular session, with the following members present constituting a quorum:

James Seastrom	Chair
James Naylor	Vice Chair
Marilyn Lawson	Commission Member, Place 4
Thomas Bailey	Commission Member, Place 6
Deanna Soper	Commission Member, Place 7
Elaine Takacs	Commission Member, Place 8- Alt
Kathryn Wells	Commission Member, Place 10- Alt

Places 8, 9, and 10 of the Commission do not vote on items unless they sit in place of one of the regular members, Places 1-7.)

Constituting a quorum with the following members absent:

Russell McNamer	Commission Member, Place 3
Alton Bowman	Commission Member, Place 5
Anna Athappan	Commission Member, Place 9- Alt

And the following members of Town staff present:

Matthew Woods	Director of Environmental Services
Emily Chapman	Administrative Assistant
James Hoefert	Environmental Review Analyst
Matthew Green	Environmental Review Analyst
Tyler Leverenz	Environmental Programs Coordinator

A. CALL TO ORDER - REGULAR SESSION: 6:30 PM

B. INVOCATION AND PLEDGE OF ALLEGIANCE

C. PUBLIC COMMENT

None.

D. STAFF REPORT

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

E. CONSENT AGENDA

1. Consider approval of minutes from the special meeting of the Environmental Conservation Commission held on February 4, 2020.

FLOWER MOUND ENVIRONMENTAL CONSERVATION COMMISSION MEETING OF JUNE 2, 2020

Commission Deliberation

Commission Member Takacs made a motion to approve the February 4, 2020, minutes as presented. Commission Member Bailey seconded the motion.

VOTE ON THE MOTION

AYES: Lawson, Naylor, Bailey, Soper, Takacs, Wells
NAYS: None
ABSTAIN: None

The motion passed with a vote of 6-0-0

F. SUBCOMMITTEE REPORT

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

G. ADJOURNMENT - REGULAR SESSION – 7:29 PM

H. CALL WORK SESSION TO ORDER – 7:29 PM

I. WORK SESSION ITEMS

2. Review the Town of Flower Mound's Stormwater Management Program.

J. COORDINATION OF FUTURE AGENDAS/MEETINGS

K. ADJOURNMENT- REGULAR SESSION – 8:05 PM

TOWN OF FLOWER MOUND, TEXAS

JAMES SEASTROM, CHAIR

ATTEST:

HELENA LYNCH, ADMINISTRATIVE ASSISTANT



ENVIRONMENTAL CONSERVATION COMMISSION AGENDA ITEM NO. 2

REGULAR ITEM

DATE: August 4, 2020
FROM: James Hoefert, Environmental Review Analyst
PRESENTER Xochilyn Davis, with McAdams
ITEM: **Consider an application for a tree removal permit for one (1) specimen tree on Lot 2, Block B of the Legends Addition subdivision. The property is located at 3755 Legends Path.**

BACKGROUND INFORMATION:

Lot 2, Block B of the Legends Addition subdivision is located at 3755 Legends Path. The lot is approximately 0.14 acres in size. The lot is currently zoned for Planned Development District No. 123 (PD-123) with Single-Family District 5 (SF-5) uses and is master planned for the High Density Residential. The applicant is requesting to remove one (1) specimen tree from the residential lot because of the tree's proximity to the building pad and driveway access. The specimen tree proposed for removal (Tree #1065 – 38" post oak) is in good condition and is located within the buildable area of the lot.

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 its size, 76" of replacement trees, equaling twenty-six (26) three-inch caliper trees, will be required for the one (1) specimen tree being requested for removal on this site.

CITIZEN FEEDBACK: As of July 30, 2020, staff received eleven (11) email and five (5) voice mail correspondences in opposition to this item.

ALTERNATIVES/OPTIONS: N/A

FISCAL IMPACT: N/A

LEGAL REVIEW: N/A

ATTACHMENTS:

1. Letter from the applicant indicating the reason(s) for the tree removal permit request.
2. Specimen tree removal permit application.
3. Photograph of the specimen tree proposed for removal.
4. Photograph of approved signage onsite.
5. Correspondence in opposition.
6. Tree Survey
7. Original Tree Survey for the subdivision.

RECOMMENDATION: Move to recommend approval or denial of the requested permit for the removal of one (1) specimen tree on Lot 2, Block B of the Legends Addition subdivision. The property is located at 3755 Legends Path.



June 24, 2020

Jimmy Hoefert, Environmental Review Analyst
Town of Flower Mound
2121 Cross Timbers Road
Flower Mound, TX 75028

**RE: Tree Removal Permit – Letter of Intent
McAdams Job No. SPEC-20129**

Dear Mr. Hoefert:

On behalf of the owner/developer on the aforementioned property, we are requesting that (1) specimen tree (as outlined on the attached tree removal exhibit), as defined in the TOFM Tree Preservation Code, be removed. The trees are being requested to be removed due to site and design conditions which thereby mean the subject development cannot reasonably be developed, based on economic and/or practical considerations, without removal of the trees included in the permit application.

TREE TABULATIONS FROM THE SPECIMEN TREE SURVEY

Total specimen trees	(1) Trees
Total specimen trees removed	(1) Trees

Several plans were generated with various renditions of each based on saving the specimen trees as per the owner. Over the past nine years we have worked with 4 homebuilders to build a house on this lot.

The current builder has worked with Town staff and McAdams to attempt to save the tree. After submitting several versions and trying to address staff comments regarding tree preservation, while also meeting the PD requirements for house size and setbacks we were left with the only viable option to go to the Zoning Board of Adjustments. After reviewing the requirements to be able to present a case to the ZBA and our inability to meet the minimum required threshold, we feel that our very last option is to remove the tree through the Tree Removal Permit process. Due to preexisting conditions, grading, Town of Flower Mound Engineering Standards, tree preservation standards, PD and subdivision standards and site conditions, the specimen tree appears to not be able to be saved. When the subdivision was first platted and was slated to be saved, the encroachment standards into a canopy were less stringent and the tree has grown considerably more in the past nine years.

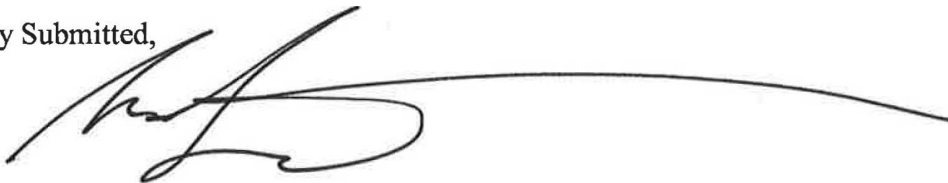
The following is the specimen tree we are requesting to be removed:

1. Tree #1065 38" caliper Post Oak

Based on the above data, I respectfully ask that the tree enumerated above be allowed to be removed from the site.

Thank you for your consideration.

Respectfully Submitted,



Ron Stewart, ASLA
Landscape Architect, TX
#791

Town of Flower Mound
Application for:
TREE REMOVAL PERMIT

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

Check one: ☐ Protected Tree ☒ Specimen Tree ☐ Historic Tree

1. Applicant- Note: Must be a licensed Landscape Architect or Registered Arborist

Name: RON STEWART

Address: 111 HILLSIDE DRIVE, LEWISVILLE, TX 75057

Phone: 972-436-9712 x612

Applicant's Legal Interest in the Property: LANDSCAPE ARCHITECT

2. Name(s): RICK NUNUALLY

Address: 802 PENNSYLVANIA AVENUE, FORTH WORTH, TX 76104

3. Location and Legal Description of Property:

+/- SOUTHWEST CORNER OF LEGENDS PATH AND CANYON COURT, A PART
OF THE LEGENDS ADDITION. LOT 2, BLOCK B, APPROXIMATELY 0.14 ACRES
IN S. WAKEFIELD SURVEY, ABSTRACT NO. 1380 IN THE TOWN OF FLOWER
MOUND, DENTON COUNTY, TEXAS.

4. Owner's Authorization of Representation

I, Rick Nunnally, the owner of the above described real property, do hereby authorize **RON STEWART** 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]
Signature of Owner



Given Under My Hand and Seal of Office
This the 25th Day of June, 20 20
[Signature]
Notary Public
In and For arrant County, Texas.

5. Applicants Affidavit- Note: Applicant must be a licensed Landscape Architect or Registered Arborist.

Subject to criminal penalties contained in Subpart B, the Land Development Regulations of the Town of Flower Mound, Texas Code of Ordinances, I **RON STEWART**, 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]
Signature of Applicant

Landscape Architect License No.: 791

State of Licensure: TX

Or ISA Certified Arborist No. _____

Given Under My Hand and Seal of Office

This the 25th Day of June, 20 20

[Signature]
Notary Public

In and For arrant County, Texas



6. Received by Town of Flower Mound on (Date) 6/24/2020 by (initials) JRH.

3755 Legends Path -
Specimen tree proposed for removal



Tree Removal Request Signage

Along Legends Path



James Hoefert

From: Debbie Gudgeon [REDACTED]
Sent: Thursday, June 25, 2020 10:09 AM
To: James Hoefert
Subject: Opposition to oak removal at Legends

I am writing to express my opposition of removal of the large, post tree in the Legends community in Flower Mound. Please, please do not remove this tree for the financial consideration of the development company of this community. This application should have been made years ago when the Legends was being developed. Now this wonderful, stately tree stands in peril of being chopped down for financial gain.

Thank you.

James Hoefert

From: Debra Wise [REDACTED]
Sent: Thursday, June 25, 2020 10:10 AM
To: James Hoefert

Hi James,

My husband Tye Wise and I live across the street from that beautiful tree and we are opposed to the tree coming down. It is the only mature tree in our neighborhood that is visible from our street. It may be the only mature tree in the neighborhood. Please take into consideration the positive environmental benefits that this tree brings to our neighborhood as well.

Thank you,

Debra Wise

James Hoefert

From: Tye Wise [REDACTED]
Sent: Thursday, June 25, 2020 10:24 AM
To: James Hoefert
Subject: Opposition to specimen tree removal LEGENDS

James.
Thank you for your reply corresponded.

As an appreciative resident of The City of Flower Mound. I have notice the attention to preservation of Natural and rejuvenation of foliage and wild life conservation.
Please let the decision makers that I am against the removal of specimen tree #1065 located in the Legends subdivision.

Thank you

Tye Wise
REGIONAL FACILITIES SUPERVISOR
COWPERWOOD
C O M P A N Y
1 Justice Way
Dallas Texas 75220
[REDACTED]

James Hoefert

From: Bill Gudgeon [REDACTED]
Sent: Thursday, June 25, 2020 10:33 AM
To: James Hoefert
Subject: Specimen Oak on Legends Path

Mr. Hoefert,

I live at 6032 Andrews Way in the Legends community. Please note that as a home owner with a vested interest in the community I object to the removal of the specimen Post Oak located on the undeveloped lot on Legends Path.

It's my understanding, having lived at our current address for just one year that our community is about five years old. In that time the developer chose to do nothing with the tree lot. The builder, Lennar, has completed building homes on all the other 90 lots.

Its always been my understanding that the developer was going to design and built a home on the property that would accommodate the tree.

My question would be why during the five year build out of the property they did not do anything with this lot? Why did they not petition to remove the tree at a time when they could have added sufficient new trees to compensate for the lose of this specimen tree?

Seems now they are wanting to remove the tree for their convenience when its too late to add new trees to compensate for the lose of this one.

Thanks,

Bill Gudgeon
6032 Andrews Way
Flower Mound Tx 75028
[REDACTED]

James Hoefert

From: Roger Glass [REDACTED]
Sent: Thursday, June 25, 2020 7:43 PM
To: James Hoefert
Subject: Opposition to specimen tree removal— The Legends

I am in opposition to the removal of this tree. It is old, huge and healthy. I believe The city of FM is environmentally conscious, and therefore should save this tree from removal or having a house built on this small lot. FM doesn't need one more house here in a 90 home community. It could be a dedicated green area for the area residents to enjoy, and compliment the surrounding environment. Thank you for your consideration.

Sent from my iPhone

James Hoefert

From: Ann Hague [REDACTED]
Sent: Friday, June 26, 2020 10:34 AM
To: James Hoefert
Subject: Opposition to tree removal - Legends

James

Please register my opposition to the tree removal in the Legends subdivision. Our community needs more mature trees & green space, not less. The original architect/planner should have better designed the layout at conception.

Thank you

Ann Hague

6020 Andrews Way

Sent from my iPad

James Hoefert

From: Johnnie [REDACTED]
Sent: Monday, June 29, 2020 10:50 AM
To: James Hoefert
Subject: Tree removal

Hello James,

Thank you for returning my call from Friday. As a resident here in Legends, we have an old and beautiful Oak tree that has a sign requesting removal. Really hate to see such a beautiful historic Texas tree if I can call it that being removed. My opinion is not to remove the tree and it is such a beautiful Texas nature. So my vote if it counts is to reject the requested proposal.

Johnnie Feathes
3716 Legends Path
Flower Mound, Texas 75028

Johnnie

Sent from my iPhone

James Hoefert

From: Peggy Cathey [REDACTED]
Sent: Wednesday, July 1, 2020 3:22 PM
To: James Hoefert
Subject: I oppose the tree removal in Legends subdivision

James,

As residents of the Legends subdivision, we oppose the removal of the beautiful tree as you enter the neighborhood. The loss of this tree would be a loss for our neighborhood. The builder represented this tree as part of small park in the subdivision when we purchased our home.

Trees are vital to the environment and beautification of the city. We feel this tree removal is not necessary. The City of Flower Mound should not allow builders to remove our “elder” trees just for profit. These older trees are part of the history of Flower Mound, Texas. Flower Mound was established around 1850 and has maintained an environment unlike other cities in the metroplex which contributed our decision to move to Flower Mound.

Any consideration to **deny** this request would be appreciated.

Peggy and Robert Cathey

6040 Tompkins Trail

James Hoefert

From: Vickie Howell [REDACTED]
Sent: Wednesday, July 1, 2020 4:55 PM
To: James Hoefert
Subject: Oppose removal of tree removal in Legends subdivision

Dear James,

I fell in love with this neighborhood because of the trees that surround and are in our neighborhood. The tree at the entrance that is in danger of being removed represents Legends and what this neighborhood is about. When the builder bought the lot that tree stood there and if he thought he could not build around it why would he buy the lot? We want this tree in our neighborhood and I am opposed to the permit for removal.

With gratitude,
VICKIE HOWELL

On Jul 1, 2020, at 4:04 PM, James Hoefert <james.hoefert@flower-mound.com> wrote:

James Hoefert

From: Michael H. Krol [REDACTED]
Sent: Friday, July 3, 2020 8:48 AM
To: James Hoefert
Subject: Re: tree removal

Mr. Hoefert,

My wife and I live at 6029 Kenyon Ct, in the Legends community in Flower Mound. There is a very large and old Oak tree on an empty lot off of Legends Path that the developer/builder has petitioned the city for a tree removal permit.

My wife and I are adamantly opposed to this action. We do not want this tree removed. It was our understanding, per the salesman for the builder, that the tree would remain as is with no construction of a house on the lot. It would be a shame to remove such a beautiful and majestic tree for the sake of a few dollars for the builder and the HOA in which we belong.

Regards,

Michael Krol
[REDACTED]

James Hoefert

From: Eric Dickenson [REDACTED]
Sent: Monday, July 6, 2020 8:55 AM
To: James Hoefert
Subject: Legacy Tree #1065

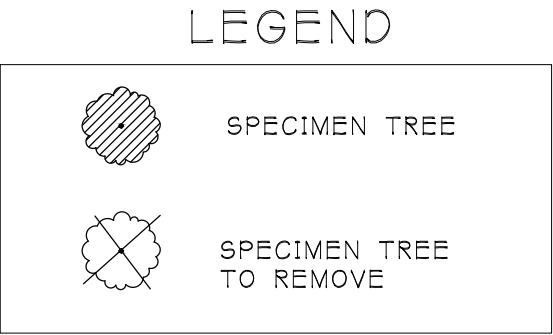
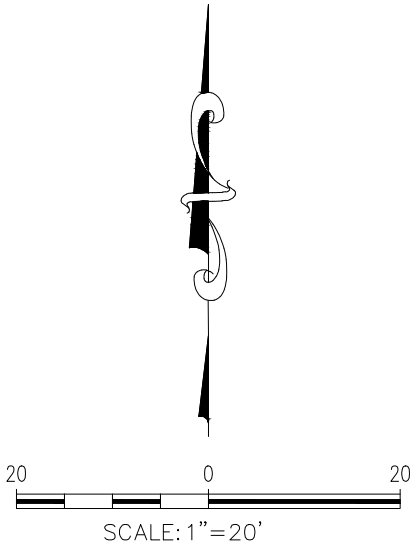
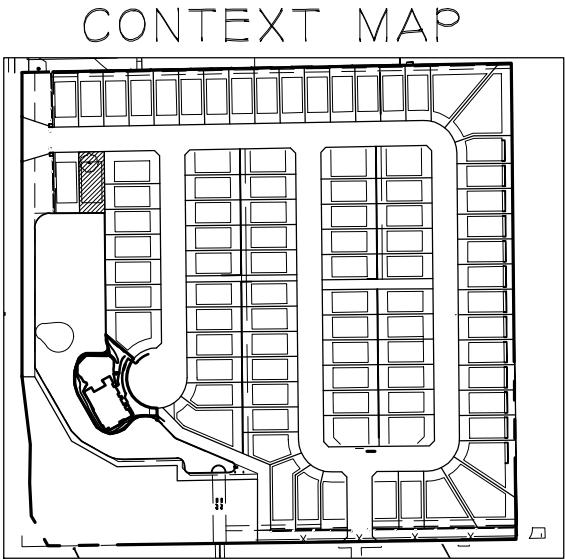
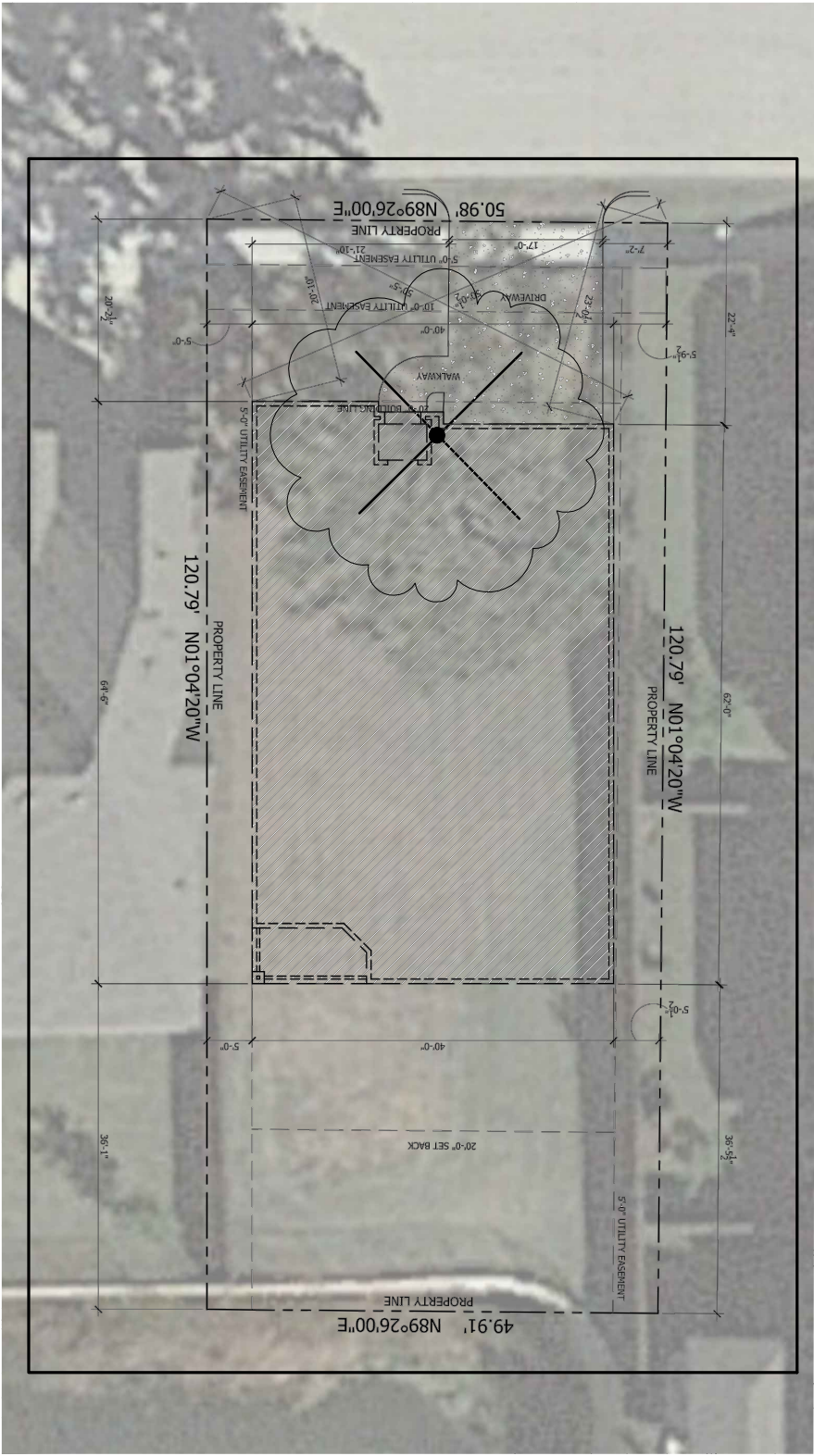
James,

I wanted to share my thoughts on removing the legacy tree #1065. I took the time today to drive by and see the tree. We have to few trees in Flower Mound to cut down a tree of this size! I request that you reject the application for this tree removal as a long time resident of Flower Mound(22 years).

Thank you for your time and be safe!

Eric Dickenson
3004 Oak crest Drive
Flower Mound Texas 75022

Sent from [Mail](#) for Windows 10



Tree Removal Permit Application		
Tree #	Tree Size	Tree Type
1065	38.0"	POST OAK

The John R. McAdams
Company, Inc.
111 Hillside Drive
Lewisville, Texas 75057
972.436.9712
201 Country View Drive
Round Rock, Texas 76262
940.240.1012
TBP#: 19762 TBPIS: 10194440
www.jrma.com
www.mcadamsco.com



Lot 2, Block B
3755 LEGENDS PATH
0.14 Acres
in the
S. WAKEFIELD SURVEY, ABSTRACT No. 1380
TOWN OF FLOWER MOUND
DENTON COUNTY, TEXAS

TREE SURVEY

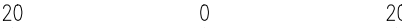
Drawn By: XD
Date: 06/23/2020
Scale: 1" = 20'
Revisions:
###

SPEC-
20129



	SPECIMEN TREE
	SPECIMEN TREE TO REMOVE

Tree Removal Permit Application



**The John R. McAdams
Company, Inc.**
111 Hillside Drive
Lewisville, Texas 75057
972.436.9712

201 Country View Drive
Roanoke, Texas 76262
940.240.1012

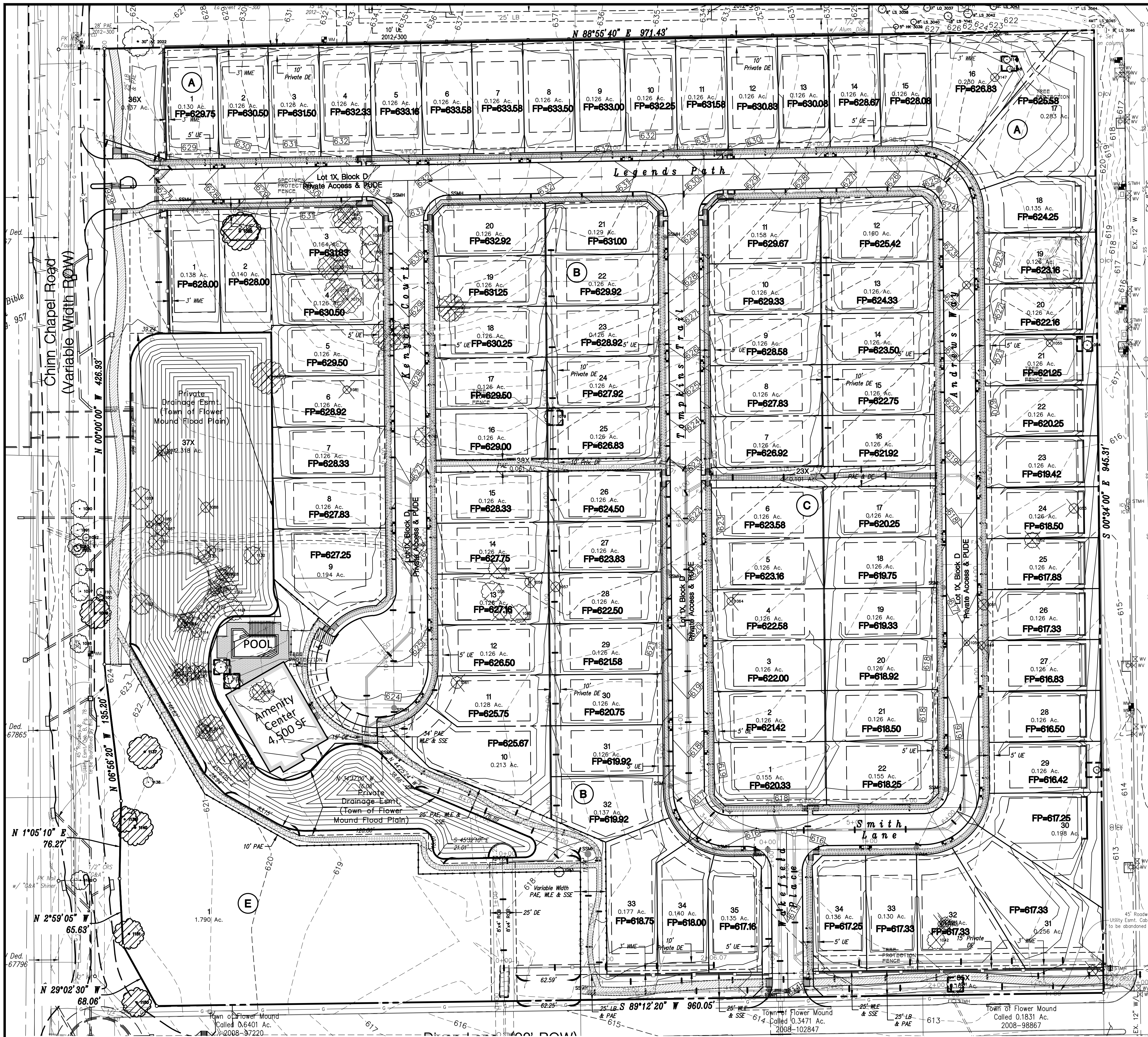
TBPE: 19762 TBPLS: 10194440
www.galcon.com
www.mcadamsco.com

Lot 2, Block B
3755 LEGENDS PATH
0.14 Acres
in the
S. WAKEFIELD SURVEY, ABSTRACT No. 1380
TOWN OF FLOWER MOUND
DENTON COUNTY, TEXAS

TREE SURVEY

Drawn By: XD
Date: 06/23/2020
Scale: 1" = 20'
Revisions:
####

**SPEC-
20129**



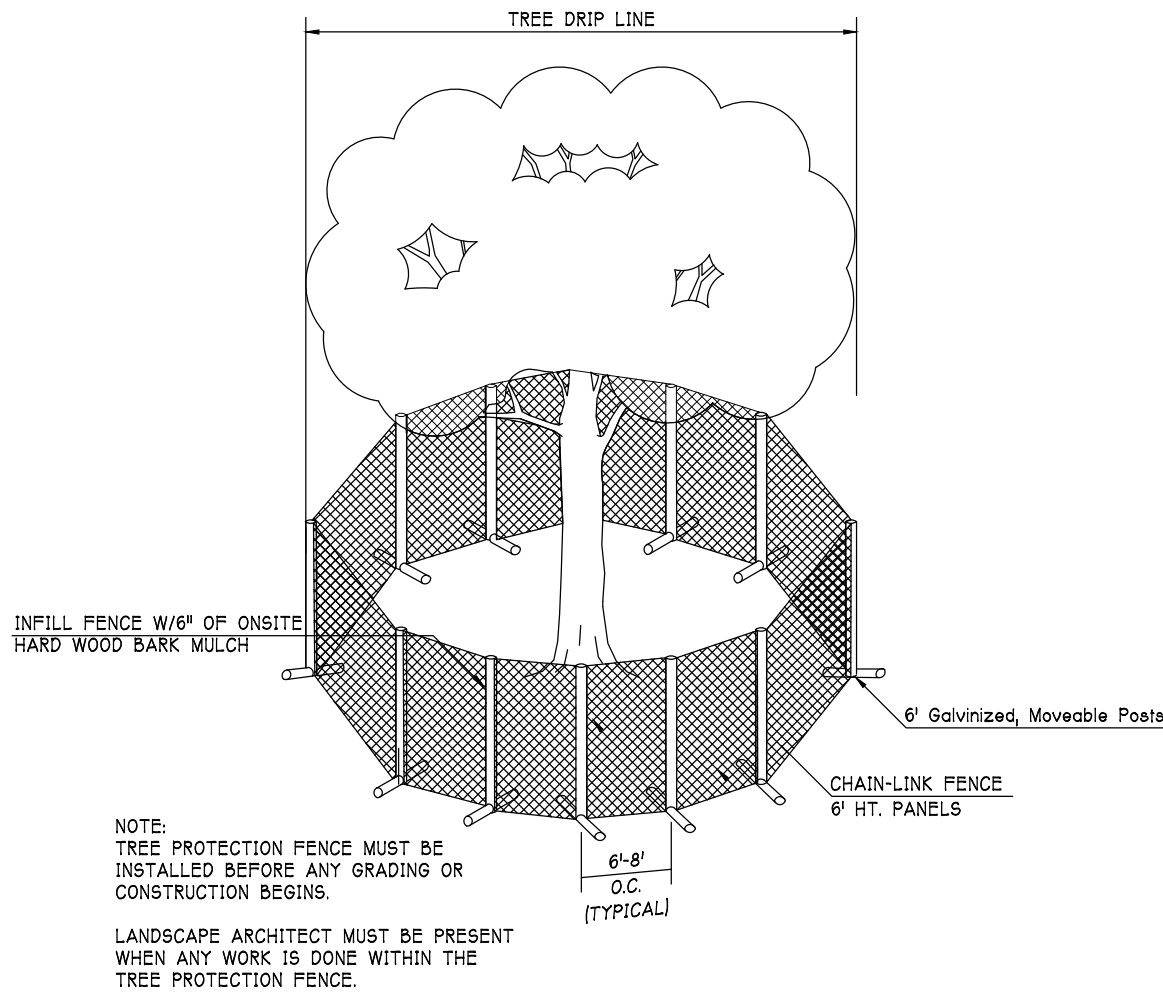
LEGEND

- SPECIMEN TREE
- TREE TO REMAIN
- TREE TO REMOVE

TREE PROTECTION FENCE

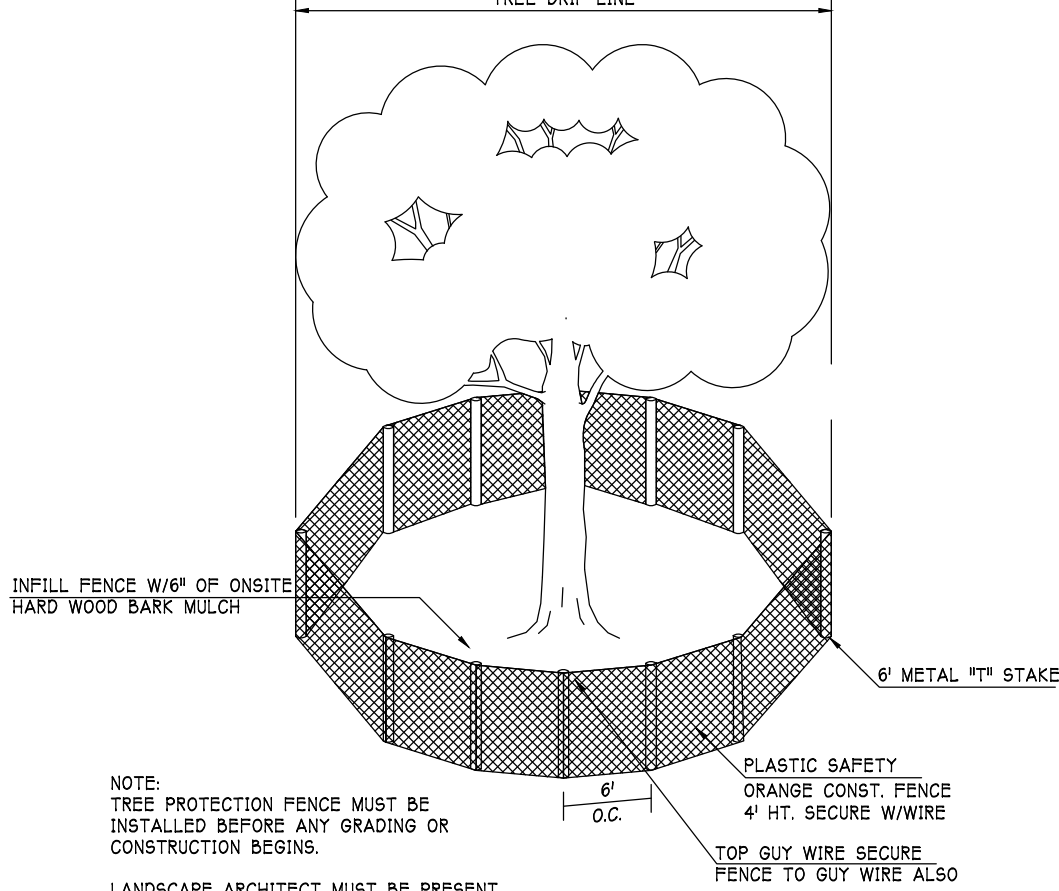
TREE PROTECTION FENCE (SPECIMEN)

Tree Removal Permit Application			
	Tree #	Tree Size	Tree Type
1	1071	28"	Post Oak
2	1073	26"	Post Oak
3	1076	33"	Post Oak
4	1144	26"	American Elm
5	1067	28.5"	Post Oak
6	1078	26.5"	Post Oak
7	1082	34	Post Oak



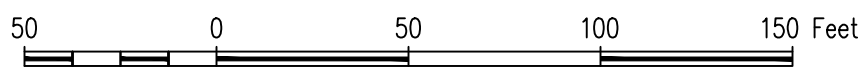
NOTE:
TREE PROTECTION FENCE MUST BE
INSTALLED BEFORE ANY GRADING OR
CONSTRUCTION BEGINS.
LANDSCAPE ARCHITECT MUST BE PRESENT
WHEN ANY WORK IS DONE WITHIN THE
TREE PROTECTION FENCE.

TREE PROTECTION
(Specimen)



NOTE:
TREE PROTECTION FENCE MUST BE
INSTALLED BEFORE ANY GRADING OR
CONSTRUCTION BEGINS.
LANDSCAPE ARCHITECT MUST BE PRESENT
WHEN ANY WORK IS DONE WITHIN THE
TREE PROTECTION FENCE.

TREE PROTECTION



TOTAL PROTECTED TREES:.....94
TOTAL NON-SPECIMEN PROTECTED TREES:.....86
TOTAL PROTECTED SPECIMEN TREES:.....8

TOTAL NON-SPECIMEN PROTECTED TREES REMOVED:.....77
TOTAL PROTECTED SPECIMEN TREES REMOVED:.....7

THIS SITE IS LOCATED IN A SPECIFIC PLAN AREA, NO MITIGATION IS REQUIRED FOR THE REMOVAL OF TREES.

TREE REMOVAL



2/15/2013

Drawn By: JP
Date: 10/29/2012
Scale: 1"=50'
Revisions:
12/23/12
01/11/13

11143

T1

OWNER/DEVELOPER
CENTURION ACQUISITIONS, LP
1221 NORTH I-35E, SUITE 200
CARROLLTON, TEXAS 75006
Ph: (469) 892-7200
Fax: (817) 886-3626
Contact: Ross Calhoun

	TREE #	CALIPER (")	COMMON NAME	BOTANICAL NAME	PROTECTED	REMOVED	SPECIMEN	REMARKS
1	1041	16	AMERICAN ELM	Ulmus americana	Y	N		
2	1042	18	AMERICAN ELM	Ulmus americana	Y	Y		BUILDABLE AREA
3	1043	10	AMERICAN ELM	Ulmus americana	Y			OFFSITE
4	1044	6	AMERICAN ELM	Ulmus americana	Y	Y		BUILDABLE AREA
5	1045	10	AMERICAN ELM	Ulmus americana	Y	Y		ROW
6	1046	10	AMERICAN ELM	Ulmus americana	Y	Y		BUILDABLE AREA
7	1047	10.5	AMERICAN ELM	Ulmus americana	Y	Y		UTILITY
8	1048	7	AMERICAN ELM	Ulmus americana	Y	N		
9	1049	8	AMERICAN ELM	Ulmus americana	Y	Y		ROW
10	1050	6	AMERICAN ELM	Ulmus americana	Y	Y		ROW
11	1051	11	PECAN	Carya illinoensis	Y	Y		ROW
12	1052	15.5	AMERICAN ELM	Ulmus americana	Y	Y		BUILDABLE AREA
13	1053	10	AMERICAN ELM	Ulmus americana	Y	Y		BUILDABLE AREA
14	1054	9.5	AMERICAN ELM	Ulmus americana	Y	N		
15	1055	7	AMERICAN ELM	Ulmus americana	Y	Y		BUILDABLE AREA
16	1056	23.5	AMERICAN ELM	Ulmus americana	Y	Y		BUILDABLE AREA
17	1057	11	PECAN	Carya illinoensis	Y	Y		BUILDABLE AREA
18	1058	21	POST OAK	Quercus stellata	Y	Y		BUILDABLE AREA
19	1059	14	POST OAK	Quercus stellata	Y	Y		BUILDABLE AREA
20	1060	18	POST OAK	Quercus stellata	Y	Y		BUILDABLE AREA
21	1061	12	PECAN	Carya illinoensis	Y	Y		BUILDABLE AREA
22	1062	18	POST OAK	Quercus stellata	Y	Y		BUILDABLE AREA
23	1063	21	BLACKJACK OAK	Quercus marilandica	Y	Y		ROW
24	1064	8	PECAN	Carya illinoensis	Y	Y		BUILDABLE AREA
25	1065	37.5	POST OAK	Quercus stellata	Y	N	Y	
26	1066	17.5	POST OAK	Quercus stellata	Y	Y		
27	1067	28.5	POST OAK	Quercus stellata	Y	Y	Y	
28	1068	19	POST OAK	Quercus stellata	Y	Y		BUILDABLE AREA
29	1069	20.5	POST OAK	Quercus stellata	Y	Y		BUILDABLE AREA
30	1070	17	POST OAK	Quercus stellata	Y	Y		BUILDABLE AREA
31	1071	28	POST OAK	Quercus stellata	Y	Y	Y	BUILDABLE AREA
32	1072	23.5	POST OAK	Quercus stellata	Y	Y		BUILDABLE AREA
33	1073	26	POST OAK	Quercus stellata	Y	Y	Y	BUILDABLE AREA
34	1074	15	POST OAK	Quercus stellata	Y	Y		BUILDABLE AREA
35	1075	20	POST OAK	Quercus stellata	Y	Y		BUILDABLE AREA
36	1076	33	POST OAK	Quercus stellata	Y	Y	Y	ROW
37	1077	23	POST OAK	Quercus stellata	Y	Y		ROW
38	1078	26.5	POST OAK	Quercus stellata	Y	Y	Y	
39	1079	18.5	POST OAK	Quercus stellata	Y	N		
40	1080	20.5	BLACKJACK OAK	Quercus marilandica	Y	Y		ROW
41	1081	8	CHITTAMWOOD	Bumelia lanuginosa	Y	Y		BUILDABLE AREA
42	1082	34	POST OAK	Quercus stellata	Y	Y	Y	
43	1083	10.5	AMERICAN ELM	Ulmus americana	Y	Y		DRAINAGE ESMT
44	1084	13.5	AMERICAN ELM	Ulmus americana	Y	Y		DRAINAGE ESMT
45	1085	12	AMERICAN ELM	Ulmus americana	Y	Y		DRAINAGE ESMT
46	1086	7	AMERICAN ELM	Ulmus americana	Y	Y		DRAINAGE ESMT
47	1087	14	AMERICAN ELM	Ulmus americana	Y	Y		DRAINAGE ESMT
48	1088	10.5	AMERICAN ELM	Ulmus americana	Y	Y		DRAINAGE ESMT
49	1089	22.5	AMERICAN ELM	Ulmus americana	Y	Y		DRAINAGE ESMT
50	1090	17.5	AMERICAN ELM	Ulmus americana	Y			OFFSITE
51	1091	13.5	PECAN	Carya illinoensis	Y			OFFSITE
52	1092	7	AMERICAN ELM	Ulmus americana	Y			OFFSITE
53	1093	17	AMERICAN ELM	Ulmus americana	Y			OFFSITE
54	1094	7	AMERICAN ELM	Ulmus americana	Y			OFFSITE
55	1095	13.5	AMERICAN ELM	Ulmus americana	Y			OFFSITE
56	1096	12	AMERICAN ELM	Ulmus americana	Y			OFFSITE
57	1097	19	AMERICAN ELM	Ulmus americana	Y			OFFSITE
58	1098	14.5	AMERICAN ELM	Ulmus americana	Y			OFFSITE
59	1099	31	POST OAK	Quercus stellata	Y		Y	OFFSITE
60	1100	7	AMERICAN ELM	Ulmus americana	Y			OFFSITE
61	1101	8.5	AMERICAN ELM	Ulmus americana	Y			OFFSITE
62	1098	18.5	AMERICAN ELM	Ulmus americana	Y			OFFSITE
63	1102	21	AMERICAN ELM	Ulmus americana	Y	Y		DRAINAGE ESMT
64	1103	7.5	AMERICAN ELM	Ulmus americana	Y	Y		DRAINAGE ESMT
65	1104	11.5	AMERICAN ELM	Ulmus americana	Y	Y		DRAINAGE ESMT
66	1105	8	AMERICAN ELM	Ulmus americana	Y	Y		DRAINAGE ESMT
67	1106	9	AMERICAN ELM	Ulmus americana	Y	Y		DRAINAGE ESMT
68	1107	8	AMERICAN ELM	Ulmus americana	Y	Y		DRAINAGE ESMT
69	1108	14	AMERICAN ELM	Ulmus americana	Y	Y		DRAINAGE ESMT
70	1109	12.5	AMERICAN ELM	Ulmus americana	Y	Y		DRAINAGE ESMT

71	1110	9	AMERICAN ELM	Ulmus americana	Y	Y		DRAINAGE ESMT
72	1111	12.5	AMERICAN ELM	Ulmus americana	Y	N		
73	1112	10	AMERICAN ELM	Ulmus americana	Y	N		
74	1113	14.5	AMERICAN ELM	Ulmus americana	Y	N		
75	1114	10	AMERICAN ELM	Ulmus americana	Y	Y		DRAINAGE ESMT
76	1115	6	AMERICAN ELM	Ulmus americana	Y	Y		DRAINAGE ESMT
77	1116	15.5	AMERICAN ELM	Ulmus americana	Y	Y		DRAINAGE ESMT
78	1117	9	AMERICAN ELM	Ulmus americana	Y	Y		DRAINAGE ESMT
79	1118	12.5	AMERICAN ELM	Ulmus americana	Y	Y		DRAINAGE ESMT
80	1119	11	AMERICAN ELM	Ulmus americana	Y	Y		DRAINAGE ESMT
81	1120	13.5	AMERICAN ELM	Ulmus americana	Y	Y		DRAINAGE ESMT
82	1121	19	AMERICAN ELM	Ulmus americana	Y	Y		DRAINAGE ESMT
83	1122	15.5	AMERICAN ELM	Ulmus americana	Y	Y		DRAINAGE ESMT
84	1123	6	AMERICAN ELM	Ulmus americana	Y	Y		DRAINAGE ESMT
85	1124	11	AMERICAN ELM	Ulmus americana	Y	Y		DRAINAGE ESMT
86	1125	8.5	AMERICAN ELM	Ulmus americana	Y	Y		DRAINAGE ESMT
87	1126	11.5	AMERICAN ELM	Ulmus americana	Y	Y		DRAINAGE ESMT
88	1127	12	AMERICAN ELM	Ulmus americana	Y	Y		DRAINAGE ESMT
89	1128	15.5	AMERICAN ELM	Ulmus americana	Y	Y		DRAINAGE ESMT
90	1129	16	AMERICAN ELM	Ulmus americana	Y	Y		DRAINAGE ESMT
91	1130	12.5	AMERICAN ELM	Ulmus americana	Y	Y		DRAINAGE ESMT
92	1131	15.5	AMERICAN ELM	Ulmus americana	Y	Y		DRAINAGE ESMT
93	1132	18	AMERICAN ELM	Ulmus americana	Y	Y		DRAINAGE ESMT
94	1133	15.5	AMERICAN ELM	Ulmus americana	Y	Y		BUILDABLE AREA
95	1134	21.5	AMERICAN ELM	Ulmus americana	Y	Y		BUILDABLE AREA
96	1135	15	AMERICAN ELM	Ulmus americana	Y	Y		DRAINAGE ESMT
97	1136	8.5	AMERICAN ELM	Ulmus americana	Y	Y		DRAINAGE ESMT
98	1137	34.5	POST OAK	Quercus stellata	Y		Y	OFFSITE
99	1138	10.5	BRADFORD PEAR	Pyrus calleryana				OFFSITE
100	1139	25.5	POST OAK	Quercus stellata	Y		Y	OFFSITE
101	1140	35	POST OAK	Quercus stellata	Y		Y	OFFSITE
102	1141	27	AMERICAN ELM	Ulmus americana	Y	Y		DRAINAGE ESMT
103	1142	9	AMERICAN ELM	Ulmus americana	Y	Y		DRAINAGE ESMT
104	1143	19	AMERICAN ELM	Ulmus americana	Y	Y		DRAINAGE ESMT
105	1144	26	AMERICAN ELM	Ulmus americana	Y	Y	Y	DRAINAGE ESMT
106	1145	8	AMERICAN ELM	Ulmus americana	Y	Y		ROW
107	1146	7	POST OAK	Quercus stellata	Y	Y		BUILDABLE AREA
108	1147	8.5	PECAN	Carya illinoensis	Y	Y		BUILDABLE AREA
109	1148	6.5	PECAN	Carya illinoensis	Y	N		
110	1149	7	PECAN	Carya illinoensis	Y	N		
111	1150	29	AMERICAN ELM	Ulmus americana	Y		Y	OFFSITE
112	1151	30	AMERICAN ELM	Ulmus americana	Y		Y	OFFSITE
113	1152	19	PECAN	Carya illinoensis	Y			OFFSITE

TREE PRUNING, REMOMAL AND PROTECTION MEASURES

- A. QUALITY ASSURANCE
- 1) Comply with applicable Federal, state, county and local regulations governing landscape work.
 - 2) Employ only experienced personnel. Provide adequate supervision by qualified foreman.
- B. JOB CONDITIONS
- 1) Coordination: Coordinate and cooperate with other contractors to enable the work to proceed as rapidly and efficiently as possible.
 - 2) In order to minimize conflict, secure from the Construction Manager copies of layout drawings showing the location of all underground utility lines and other structures.
- C. PRODUCTS
- 1) MULCH: Double shredded hardwood mulch free of sticks, dirt and other debris as derived from the site clearing.
- D. DEFINITIONS
- 1) CRZ: Critical Root Zone: The soil space directly under the canopy of any tree, extending out at least 7 feet from the trunk or 2/3 the distance to the dripline, whichever is greater.
 - 2) TPZ: Tree Protection Zone: The entire soil space located directly under the dripline of any tree (the entire dripline).
 - 3) CRS: Complete Root System: The soil space directly under the dripline of any tree and an additional 7 feet beyond said dripline.
 - 4) TPF: Tree Protection Fence: The orange safety barrier netting that shall extend around the entire circumference of the tree at the TPZ.
- E. PRE – CONSTRUCTION TREE PRUNING
- 1) Personnel Qualifications: All pruning shall be performed under the supervision of an International Society Arboriculture (ISA) Certified Arborist.
 - 2) All trees within the project area shall be pruned to:
 - i) Clear the crown of diseased, crossing, weak and dead wood to a minimum of 1 ½ inches in diameter.
 - ii) Provide 14 feet of vertical clearance over streets and 8 feet over sidewalks.
 - iii) Remove stubs, cutting outside the woundwood tissue that has formed around the branch.
 - iv) Reduce end weight on heavy, horizontal branches by selectively removing small diameter branches, no greater than 2 to 3 inches, near the ends of the scaffolds.
 - 3) Pruning cuts shall be made in accordance with ANSI 300 Pruning Standard and work shall be performed in accordance with ANSI Z133.1 Safety Standard. Pruning shall be in accordance with ISA's Best Management Practices: Tree Pruning
 - 4) No more than 20 percent of live foliage shall be removed from any tree.
 - 5) Brush shall be chipped and chips shall be spread underneath trees within the tree protection zone to a maximum depth of 6 inches, leaving the trunk clear of mulch.
- F. TREE REMOVAL
- 1) Trees preservation requires a commitment to preserving and maintaining retained trees, as well as removal of any unsuited trees within the Project Area.
 - 2) All wood debris from all tree removals at the Project Site is to be chipped and stored on site for use on site in the tree preservation efforts at the discretion of the Landscape Architect.
 - 3) The limits of all tree protection zones shall be staked in the field and observed by all contractors.
 - 4) Any brush clearing required within the tree protection zone shall be accomplished with hand operated equipment.
 - 5) Trees to be removed from within the tree protection zone shall be removed under the supervision of a Certified Arborist. The trees shall be cut near ground level and the stump ground out.
- G. TREE PROTECTION
- 1) Before beginning work, the Project Manager, Landscape Architect and/or Owner or their agents are required to meet at the site to review all work procedures, access routes, storage areas, and tree protection measures. Any intended construction activities inside the TPZ shall be clearly outlined.
 - 2) Fences shall be erected to protect trees to be preserved prior to construction equipment arriving on the Project Site. Fences will define the specific protection zone for each tree or group of trees. Fences are to be maintained and remain until all site work has been completed and final landscape operations begin. Fences may not be relocated or removed without written permission from the Landscape Architect. Fences may be constructed from 6" x 1" stakes and orange web fence material.
 - 2) All trees to be preserved shall have 6 inches of hardwood mulch applied inside the tree protection zone. This hardwood mulch shall be replenished as necessary to maintain a 6 inch depth.
 - 3) Construction trailers, traffic and storage areas must remain outside fenced areas at all times.
 - 4) Tree roots extend out in a straight, radial direction from the tree much like spokes on a wheel (to a depth generally not exceeding 24"). All underground utilities and drain or irrigation lines shall be routed outside the tree protection zone. If lines must traverse the protection area, they shall be tunneled or bored under the tree. Trench es "airaug" with Air Spade (registered trademark) or similar technology are the only exceptions. Irrigation line may be routed in any direction outside the dripline of retained trees. Irrigation lines inside the dripline must be in a straight, radial direction towards the tree trunk and terminate in a dead end sprinkler head no greater than 7 feet from a tree trunk. (Irrigation lines shall not in any way bisect and therefore damage the "spoke-like" root system).
 - 5) No materials, equipment, spoil, or waste or washout water may be deposited, stored, or parked within the tree protection zone.
 - 6) If unintentional injury should occur to any tree during construction, it shall be reported to the Landscape Architect within six hours so that remedial action can be taken. Timeliness is critical to tree health. The cost of any remedial treatments will become the burden of the offending contracting company.
 - 7) Any grading, construction, demolition, or other work that is expected to encounter tree roots must be monitored by the Landscape Architect. Specific locations or tree tag numbers should be identified.



LEGENDS
LEGENDS ADDITION
21988 Acres
in the
S. WAKEFIELD SURVEY; ABSTRACT NO. 1380
TOWN OF FLOWER MOUND
DENTON COUNTY, TEXAS

TREE REMOVAL ID



2/15/2013

Drawn By: JP
Date: 10/29/2012
Scale: ###
Revisions:
12/23/12
01/11/13

11143

T2

OWNER/DEVELOPER
CENTURION ACQUISITIONS, LP
1221 NORTH I-35E, SUITE 200
CARROLLTON, TEXAS 75006
Ph. (469) 892-7200
Fax (817) 886-3626
Contact: Ross Calhoun



ENVIRONMENTAL CONSERVATION COMMISSION AGENDA ITEM NO. 3

REGULAR ITEM

DATE: August 4, 2020
FROM: James Hoefert, Environmental Review Analyst
PRESENTER James Hoefert
ITEM: **Consider a recommendation of an ordinance amending Chapter 94, "Trees", of the Code of Ordinances by amending Section 94-34, "Tree removal permit", to update the requirements and process for posting informational signs on subject properties.**

BACKGROUND INFORMATION:

The Town recently began reviewing the requirements and standards related to the public information signs for proposed amendments to the permitted land uses or designation on a property. The objective during the review of the public information sign standards was to establish a consistent standard which would meet the intent to effectively inform the public of proposed changes to a property with an applicable application.

The Town's specimen tree removal permit process within Chapter 94 "Trees" also requires an applicant to post public notification signs on the subject property. The proposed amendments to the informational sign standards outlined in the Tree Ordinance will match the proposed changes to the informational sign requirements associated with proposed changes to zoning, land use, and similar requests. The owner/developer will also be required to remove the signs within ten (10) days after the date of final action of the requested change and replace missing signs within one (1) week once notified.

CITIZEN FEEDBACK: As of July 30, 2020, no feedback has been received.

ALTERNATIVES/OPTIONS: The public notification sign standards for tree removal permits can remain unchanged; however, the current provisions would not be consistent with the proposed informational sign standards for land use/zoning amendments.

ATTACHMENTS:

1. Draft redline amendments to Section 94-34.

RECOMMENDATION: Move to recommend approval or denial of an ordinance amending Chapter 94, "Trees", of the Code of Ordinances by amending Section 94-34, "Tree removal permit", to update the requirements and process for posting informational signs on subject properties.

Sec. 94-34. - Tree removal permit.

Tree removal permits are required for the removal of protected trees located outside the buildable area of a lot or site, and for any specimen trees and historic trees that are intended for removal from a lot or site in conjunction with the development, redevelopment, subdivision and/or re-subdivision of real property within the town.

An application for a tree removal permit, when required, shall be submitted at the earliest point in the application process where entitlements and/or buildable area are established. The following outlines the process associated with tree removal permit applications.

- (1) Tree removal permit applications, when required, shall be submitted in conjunction with a zoning planned development (ZPD) or a development plan and shall be considered by the environmental conservation commission prior to the project proceeding to the planning and zoning commission. The application shall be placed on the same town council agenda for action as the ZPD or development plan; or
- (2) Tree removal permit applications, when required, shall be submitted in conjunction with site plans or record plats for the development of subdivisions of four lots or less where the construction of necessary infrastructure necessitates a tree removal permit, and shall be considered by the environmental conservation commission and acted upon by the town council prior to the site plan or record plat proceeding to the planning and zoning commission for approval; or
- (3) Tree removal permit applications, when required, shall be submitted in conjunction with the development of individual residential or nonresidential platted lots and shall be considered by the environmental conservation commission and acted upon by the town council prior to the issuance of a building permit.

No protected trees located outside the buildable area, specimen trees, or historic trees approved for removal in accordance with this chapter shall be removed from any building lot or site until:

- (1) Proper mitigation or replacement requirements have been determined and approved for the lot or site; and
 - (2) A preconstruction meeting has been held with proper town staff authorizing grading and construction activities to begin on the lot or site; and/or
 - (3) A building permit, where needed, has been issued for the lot or site.
- (a) *Tree removal permits for fewer than ten protected trees or four specimen trees.* A tree removal permit shall be obtained by making application to the town's tree preservation and enforcement officer or authorized designee on forms prescribed by the town. The application shall include the following:
- (1) A written document indicating the reasons for removal of the protected, specimen, or historic trees on the lot or site.
 - (2) Photographs of each tree requested for removal.
 - (3) Photographs of required signage on the site as described below.
 - (4) Two copies of a tree survey for the lot or site prepared as described in section 94-23 of this chapter.
- (b) *Tree removal permits for greater than ten protected trees or four specimen trees.* Applicants requesting to remove greater than ten protected trees or greater than four specimen trees, shall have the option of requesting a comprehensive tree removal permit. The fee for this permit will be \$1,000.00. All other requirements and incentives remain unchanged.

(c) A sign shall be placed on each separate lot or tract for which a tree removal permit is requested to inform the general public that an application for a tree removal permit has been filed relative to a protected, specimen, or historic tree.

- (1) The size of the signs shall be ~~three~~ four feet by four feet.
- (2) The signs shall be made out of aluminum or corrugated plastic material. If using plastic, the sheets shall be extruded comprising of two skins separated by vertical ribs.
- (3) The signs shall be mounted on stakes/poles.
- (4) The signs shall be visible from ~~and placed perpendicular to~~ the street.
- (5) There shall be one sign for each 500 feet of street frontage.
- (6) The signs shall have a white background, with letters and borders being ~~green~~ blue in color. The signs shall state the following:

TOWN OF FLOWER MOUND, TX
A TREE REMOVAL REQUEST
IS BEING MADE ON THIS PROPERTY
FOR INFORMATION CALL
972-874-6340

(7) The owner/developer/applicant shall be required to remove informational signs from the lot or tract of land within ten days after the date of the final action of the requested change or amendment. The owner/developer/applicant shall also be required to replace missing informational signs within a week of staff notifying them of the absence.

(Ord. No. 63-08, § 3(94-12), 10-6-2008)