



AGENDA

TOWN OF FLOWER MOUND ENVIRONMENTAL CONSERVATION COMMISSION

REGULAR MEETING

November 2, 2021

**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-FLOWERMOUND.CIVICPLUS.COM/AGENDACENTER](https://tx-flowermound.civicplus.com/agendacenter)

Comments regarding any item on this agenda can be sent to the Commission Members
by Emailing: ECC@flower-mound.com or Calling: 972.874.6340

A. CALL REGULAR MEETING TO ORDER – 6:30 PM

B. INVOCATION AND PLEDGE OF ALLEGIANCE

C. PUBLIC COMMENT

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.

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 A member of the Environmental Conservation Commission may request an item(s) be withdrawn from the consent agenda and

Environmental Conservation Commission Meeting Agenda

November 2, 2021

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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 October 5, 2021.

F. REGULAR ITEM

2. Consider an application for a tree removal permit (TRP21-0026) for fourteen (14) specimen trees on property proposed for development as Dixon Park. The property is generally located west of Morriss Road and south of Dixon Lane. (No action was taken on this item at the October 5, 2021, ECC Meeting)
3. Consider an application for a tree removal permit (TRP21-0031) for nine (9) specimen trees on property proposed for development as Lusk Lane Soccer Complex. The property is generally located north of Cross Timbers Road and west of Lusk Lane.

G. SUBCOMMITTEE REPORT

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

H. ADJOURNMENT- REGULAR SESSION

I. CALL WORK SESSION TO ORDER

J. WORK SESSION ITEM

4. Discuss the Town's tree preservation regulations, environmental regulations, and the development application process.

K. COORDINATION OF FUTURE AGENDAS/MEETINGS

L. ADJOURNMENT - WORK SESSION



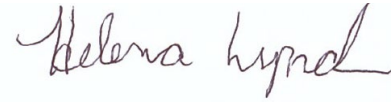
Matthew Woods
Director of Environmental Services

Environmental Conservation Commission Meeting Agenda

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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: October 29, 2021, by 5:00 p.m., at least 72 hours prior to the schedule time of said meeting.



Helena Lynch
Administrative Assistant



ENVIRONMENTAL CONSERVATION COMMISSION AGENDA ITEM NO. 1

CONSENT ITEM

DATE: November 2, 2021

FROM: Helena Lynch, Administrative Assistant

ITEM: Consider approval of minutes from the regular meeting of the Environmental Conservation Commission held on October 5, 2021.

BACKGROUND INFORMATION: This agenda item is to consider approval of the minutes from the October 5, 2021, 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 October 5, 2021, regular meeting of the Environmental Conservation Commission.

RECOMMENDATION: Move to approve the minutes from the October 5, 2021, regular meeting of the Environmental Conservation Commission.

FLOWER MOUND ENVIRONMENTAL CONSERVATION COMMISSION MEETING OF OCTOBER 5, 2021

THE FLOWER MOUND ENVIRONMENTAL CONSERVATION COMMISSION MEETING HELD ON THE 5TH DAY OF OCTOBER 2021, 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
Marilyn Lawson	Vice Chair
Sandy Fambrough	Commission Member, Place 1
KC Walsh	Commission Member, Place 3
Elaine Takacs	Commission Member, Place 6
Deanna Soper	Commission Member, Place 7
Rich Murchek	Commission Member, Place 8
Ashish Sharma	Commission Member, Place 10

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:

Alton Bowman	Commission Member, Place 5
Anna Athappan	Commission Member, Place 9

And the following members of Town staff present:

Jimmy Hoefert	Environmental Review Analyst
Helena Lynch	Administrative Assistant
Tyler Leverenz	Environmental Programs Coordinator
Joe Whiteley	Environmental Review Analyst

A. CALL TO ORDER - REGULAR SESSION: 6:31 PM

B. ELECTION OF CHAIR AND VICE CHAIR

James Seastrom was elected Chair and Marilyn Lawson was elected Vice Chair. The vote for both positions was unanimous.

C. INVOCATION AND PLEDGE OF ALLEGIANCE

D. PUBLIC COMMENT

Kathryn Wells, 7360 Fair Lake Rd, spoke to thank the commission for her time on the board.

E. STAFF REPORT

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

FLOWER MOUND ENVIRONMENTAL CONSERVATION COMMISSION MEETING OF OCTOBER 5, 2021

F. CONSENT AGENDA

- 1. Consider approval of minutes from the regular meeting of the Environmental Conservation Commission held on August 3, 2021.**

Commission Deliberation

Commission Member Takacs made a motion to approve the August 3, 2021, minutes as presented. Commission Member Fambrough seconded the motion.

VOTE ON THE MOTION

AYES: Fambrough, Walsh, Lawson, Takacs, Soper, Murchek
NAYS: None
ABSTAIN: None

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

G. REGULAR ITEM

- 2. Consider an application for a tree removal permit (TRP21-0026) for fourteen (14) specimen trees on property proposed for development as Dixon Park. The property is generally located west of Morriss Road and south of Dixon Lane.**

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

Dixon Park Tree Removal Permit Application
Project Information
General Location
Detailed Location
Tree Survey
Specimen Trees Requested for Removal (7 slides)
Motion Recommendation

Mike Boswell, Toll Brothers, 2665 Virginia Parkway, Flower Mound, TX 75022 gave a presentation and answered questions.

Dixon Park
Introduction
What does the concept plan look like?
Zoning Data Table
Plan Specific
What does the Landscape Plan look like?
Overview of ESQ
Neighbors! (2 photos)
Trees (Trees are evaluated by an arborist)
Repurposing trees
Smith Milestones
Questions

FLOWER MOUND ENVIRONMENTAL CONSERVATION COMMISSION MEETING OF OCTOBER 5, 2021

The following people spoke comment on Regular Item 2 (Dixon Park):
Elaine Barry, 5357 Harbor View

Commission Deliberation

Commission members declined to make a motion.

3. Consider an application for a tree removal permit (TRP21-0027) for two (2) specimen trees on property proposed for development as Estuary Pointe. The property is generally located east of Deer Path and south of Meadow Lark.

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

- Estuary Pointe Tree Removal Permit Application
- Project Information
- General Location
- Detailed Location
- Tree Survey
- Specimen Trees Requested for Removal
- Motion Recommendation

Sam Knight, Teague Nall & Perkins Inc, 5237 N Riverside Dr, Fort Worth, TX, 76137 gave a presentation and answered questions.

- Estuary Pointe Development Plan
- Tree Survey & Preservation Plan
- Tree Table
- Landscape Plan
- Entry Feature Detail

Meeting Recess -7:42 pm

Meeting Reconvened - 7:57pm

Justin Wellborne, Our Country Homes, 700 West Harwood Rd, Hurst, TX, 76054 answered questions.

The following people spoke in opposition to Regular Item 3 (Estuary Pointe):
Elaine Barry, 5357 Harbor View
Norman Chang, 1705 Deer Path

The following people did not speak but were in opposition to Regular Item 3 (Estuary Pointe):
Richard Ratliff, 2101 Beachview Dr

Commission Deliberation

Commission Member Fambrough made a motion with the understanding that the tree removal request for #913 has been withdrawn tonight. She made a motion to deny the tree removal permit for Tree #962 with the request a variance would be granted by Planning and Zoning or

FLOWER MOUND ENVIRONMENTAL CONSERVATION COMMISSION MEETING OF OCTOBER 5, 2021

town staff or both to allow the lift station to be moved to save this tree. Commission Member Soper seconded the motion.

VOTE ON THE MOTION

AYES: Fambrough, Walsh, Lawson, Takacs, Soper, Murchek

NAYS: None

ABSTAIN: None

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

H. SUBCOMMITTEE REPORT

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

I. COORDINATION OF FUTURE AGENDAS/MEETINGS

J. ADJOURNMENT- REGULAR SESSION – 9:07 PM

TOWN OF FLOWER MOUND, TEXAS

JAMES SEASTROM, CHAIR

ATTEST:

HELENA LYNCH, ADMINISTRATIVE ASSISTANT



ENVIRONMENTAL CONSERVATION COMMISSION AGENDA ITEM NO. 2

REGULAR ITEM

DATE: November 2, 2021
FROM: James Hoefert, Environmental Review Analyst
PRESENTER: Mike Boswell, with Toll Brothers
ITEM: **Consider an application for a tree removal permit (TRP21-0026) for fourteen (14) specimen trees on property proposed for development as Dixon Park. The property is generally located west of Morriss Road and south of Dixon Lane. (No action was taken on this item at the October 5, 2021 ECC Meeting)**

BACKGROUND INFORMATION:

The Dixon Park residential development is generally located west of Morriss Road and south of Dixon Lane. The site is currently zoned for Agricultural (A) uses and master planned for Low Density Residential. The applicant is requesting to rezone the site to Single Family District-15 (SF-15) uses. According to the tree survey for the project, the site contains seventeen (17) specimen trees. The applicant is requesting to remove fourteen (14) of the specimen trees. 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 fourteen (14) specimen trees being requested for removal:

Tree #6509 – 27” pecan;
Tree #6510 – 28” pecan (fair condition);
Tree #6516 – 29” pecan;
Tree #6517 – 26” post oak;
Tree #6520 – 31” pecan (fair condition);
Tree #6527 – 25” pecan (fair condition);
Tree #6532 – 27” pecan (fair condition);
Tree #6546 – 28” pecan (fair condition);
Tree #6547 – 29” pecan (fair condition);
Tree #6549 – 25” pecan;
Tree #6550 – 30” pecan;
Tree #6573 – 33” american elm (fair condition);
Tree #6575 – 19” blackjack oak; and
Tree #6600 – 22” post 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, 759” of replacement trees, equaling 253 three-inch caliper trees, will be required for the fourteen (14) specimen trees being requested for removal on this site. In addition, protected trees removed from the buildable area will also require replacement at a tree-for-tree rate. The developer is proposing to preserve existing protected and specimen 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.

CITIZEN FEEDBACK: As of October 28, 2021, staff has not received feedback related 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. Photographs of the specimen trees proposed for removal.
4. Photographs of approved signage onsite.
5. Tree Survey.
6. Landscape Plan.

RECOMMENDATION: Move to recommend approval or denial of the requested permit for the removal of fourteen (14) specimen trees on property proposed for development as Dixon Park. The property is generally located west Morriss Road and south of Dixon Lane.



5225 Village Creek Drive
Suite 200
Plano, Texas 75093
972-931-0694
972-931-9538 Fax

September 7, 2021

James Hoefert
Environmental Review Analyst
Town Of Flower Mound
2121 Cross Timbers Road
Flower Mound, TX 75028

RE: Dixon Park (DAA No.: 20033)
LOI for Tree Removal Permit
Cc: Mike Boswell

Dear Mr. Hoefert,

On behalf of our client, Toll Brothers, please accept this letter as our Letter of Intent to describe and explain the requested application for Tree Removal Permit.

For the development of this property, we are proposing to remove 14 specimen trees for the following reasons:

1. Tree located in proposed right-of-way: #6575
2. Tree located in Dixon Lane landscape buffer: #6516. We are attempting to save this tree but must mark it as removed at this point.
3. Trees located in proposed buildable area: #6509, #6510, #6517, #6520, #6527, #6532, #6546, #6547, #6549, #6550, #6573 & #6600

A photograph of each tree to be removed is also attached with this Tree Removal Permit.

Please contact me should you have any questions regarding this request.

Sincerely,

A handwritten signature in black ink, appearing to read "Aaron Hunsaker", with a long, sweeping horizontal line extending to the right.

Aaron Hunsaker



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:

Paul Cozzolino, PLA 2825

Address:

P.O. Box 38415 Dallas, TX 75238

Phone:

972.855.8705

Applicant's Legal Interest in the Property:

Landscape Architect on the Consult team for the Property Owner

2. Property Owner(s)

Name(s): Philip J. Kennemer Trustee of the Olin E. Dixon Geneva Dixon Revocable Trust U/A

Address: 155 Stonehedge Pl. Montgomery, TX 77316

Owner #2: James R. & Rebecca Smartt Revocable Trust

2500 Waketon Road Flower Mound, TX 75028

3. Location and Legal Description of Property:

Dixon EST BLK A Lot 1 & 2

AO 834A Edwin Marsh TR 12 & 12A

4. Owner's Authorization of Representation

I, _____, the owner of the above described real property, do hereby authorize Paul Cozzolino 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.

Please see included Letters of Authorization. Per Jimmy Hoefert at the Town of Flower Mound, he said that these could be included in lieu of having the application signed.

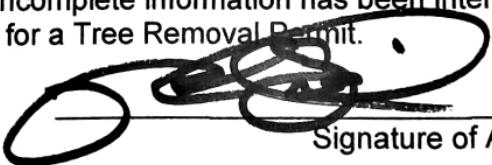
Signature of Owner

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

Notary Public
In and For _____ County, Texas.

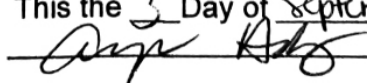
5. Applicants Affidavit- Note: Applicant must be an ISA certified arborist, certified forester, or a registered landscape architect.

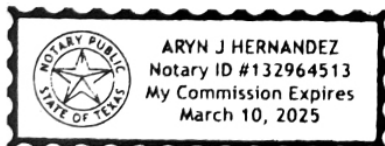
Subject to criminal penalties contained in Subpart B, the Land Development Regulations of the Town of Flower Mound, Texas Code of Ordinances, I Paul Cozzolino, do hereby swear or affirm that all of the information contained herein and submitted herein is, to the best of my knowledge, true, correct and 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. 2825
State of Licensure Texas
Or ISA Certified Arborist No. _____
Or Certified Forester No. _____

Given Under My Hand and Seal of Office
This the 3 Day of September, 2021


Notary Public
In and For Dallas County, Texas



6. Received by Town of Flower Mound on (Date) 9/14/2021 by
(initials) JRH.

Letter of Authorization

Dixon Tract ~24.12 Acres

I, Phillip J. Kennemer, acting as Trustee, do hereby authorize the following individuals and organizations to act on behalf of Olin E. Dixon & Geneva Dixon Revocable Trust, regarding the Zoning, Development Plan, Platting and Engineering of a 24.12-acre tract of land located at 2555 Dixon Lane, Flower Mound, TX 75028.

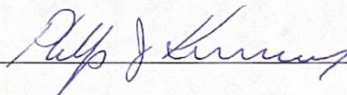
Dowdey, Anderson & Associates, Inc.
5225 Village Creek Dr., Suite 200
Plano, Texas 75093
(972) 931-0694

Michael Dowdey, P.E.
Aaron Hunsaker
Thomas Moss, P.E.

Toll Brothers, Inc.
2555 SW Grapevine Pkwy. Ste. 100
Grapevine, Texas 76051
(817) 329-8770

Mike Boswell, Toll Brothers
Manolo Rios, Toll Brothers
Ron Robbins, Toll Brothers

AUTHORIZED BY:

By: 

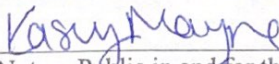
Name: Phillip J. Kennemer

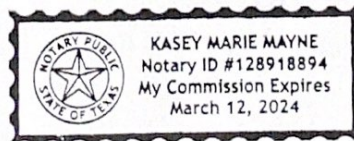
Title: Trustee of the Olin E. Dixon & Geneva Dixon Revocable Trust
established July 5, 1995, and restated on January 16, 2006 and
November 7, 2020

STATE OF TEXAS §
COUNTY OF Montgomery §

BEFORE me the undersigned, a Notary Public, on this day personally appeared Phillip J. Kennemer, acting as Trustee of the Olin E. Dixon & Geneva Dixon Revocable Trust established July 5, 1995, and restated on January 16, 2006 and November 7, 2020, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that they executed the same for the purposes and consideration therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 4th day of May, 2021.


Notary Public in and for the State of Texas



Letter of Authorization

Smartt Tract ~2.67 Acres

I, James Randy Smartt, acting as Trustee, do hereby authorize the following individuals and organizations to act on behalf of the James Randy & Rebecca Lee Smartt Revocable Trust, regarding the Zoning, Development Plan, Platting and Engineering of a 2.67-acre tract of land located at 2500 Waketon Road, Flower Mound, TX 75028.

Dowdey, Anderson & Associates, Inc.
5225 Village Creek Dr., Suite 200
Plano, Texas 75093
(972) 931-0694

Toll Brothers, Inc.
2555 SW Grapevine Pkwy. Ste. 100
Grapevine, Texas 76051
(817) 329-8770

Michael Dowdey, P.E.
Aaron Hunsaker
Thomas Moss, P.E.

Mike Boswell, Toll Brothers
Manolo Rios, Toll Brothers
Ron Robbins, Toll Brothers

AUTHORIZED BY:

By: James Randy Smartt

Name: James Randy Smartt

Title: Trustee of the James Randy & Rebecca Lee Smartt Revocable Trust

STATE OF TEXAS §
 §
COUNTY OF Cooke §

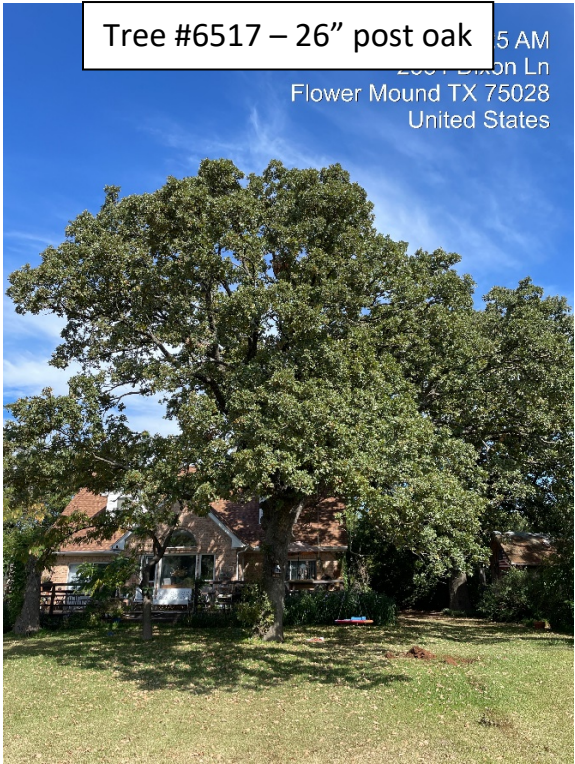
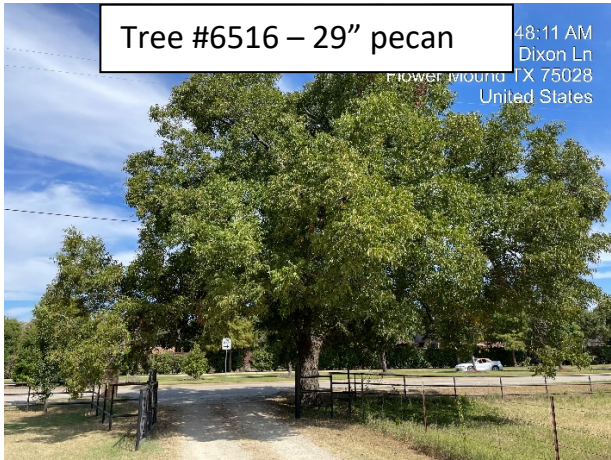
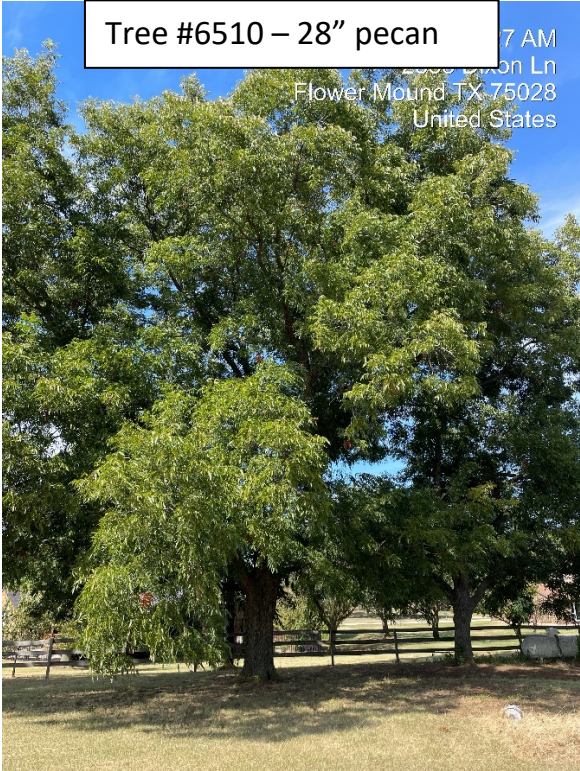
BEFORE me the undersigned, a Notary Public, on this day personally appeared James Randy Smartt, acting as Trustee of the James Randy & Rebecca Lee Smartt Revocable Trust, known to me to be the person whose name is subscribed to the foregoing instrument, and both acknowledged to me that they executed the same for the purposes and consideration therein expressed and in the capacity therein stated.

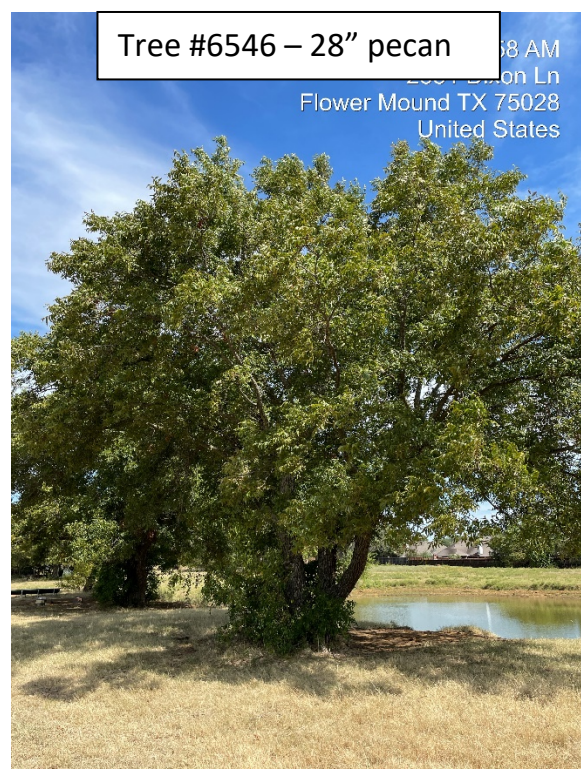
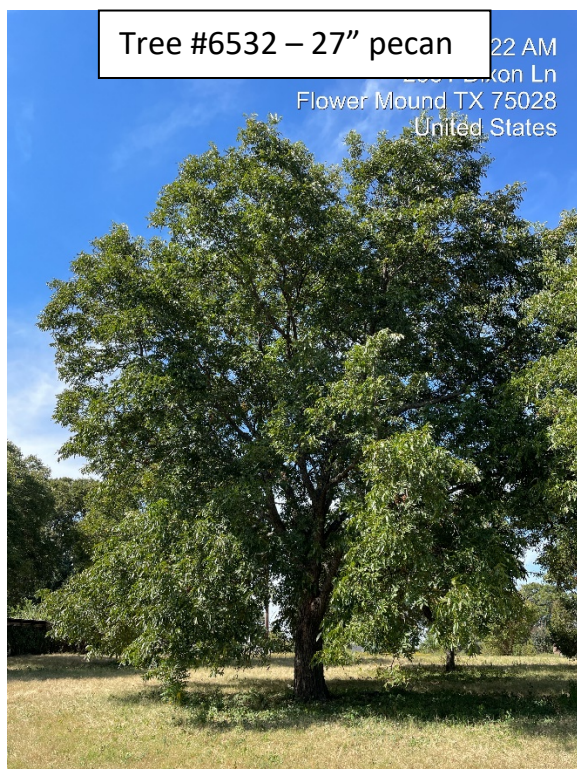
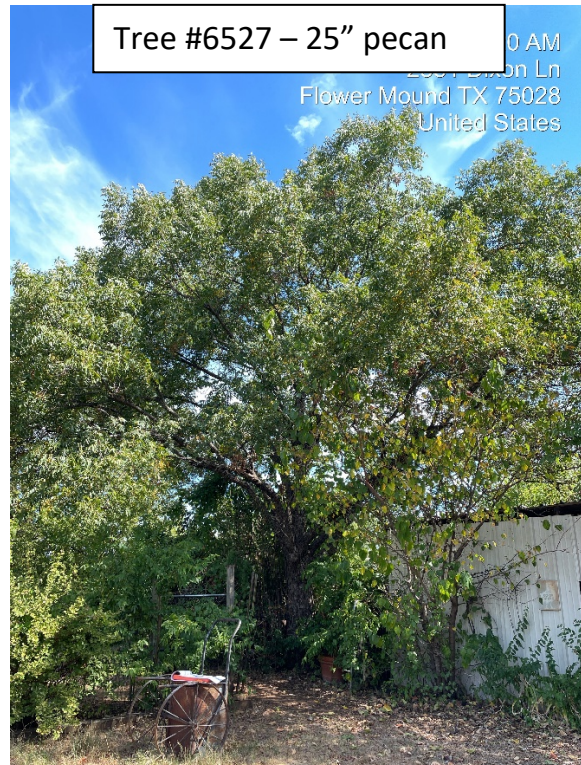
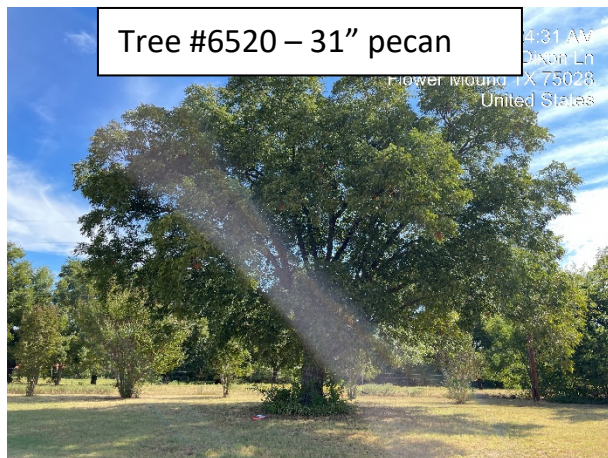
GIVEN UNDER MY HAND AND SEAL OF OFFICE this 4 day of May, 2021.

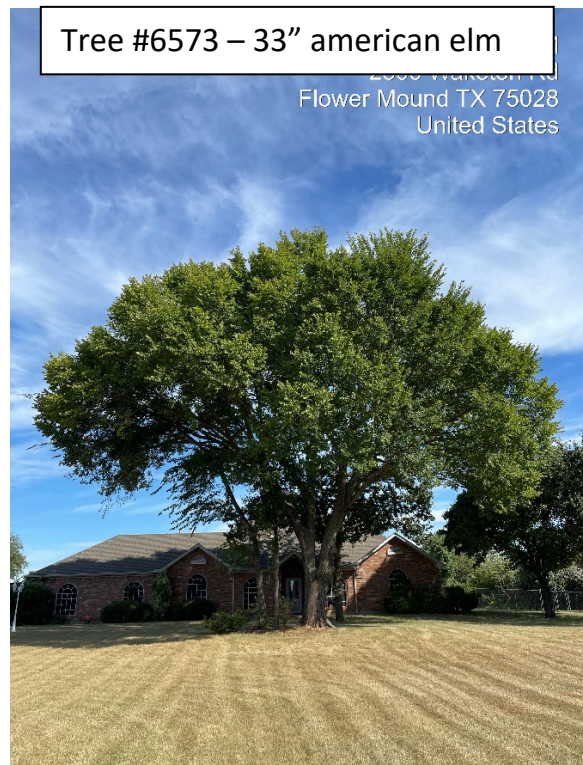
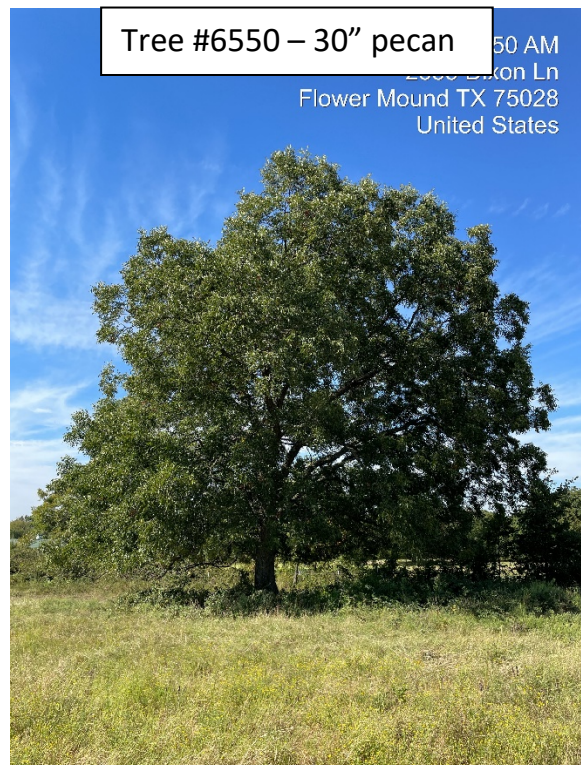
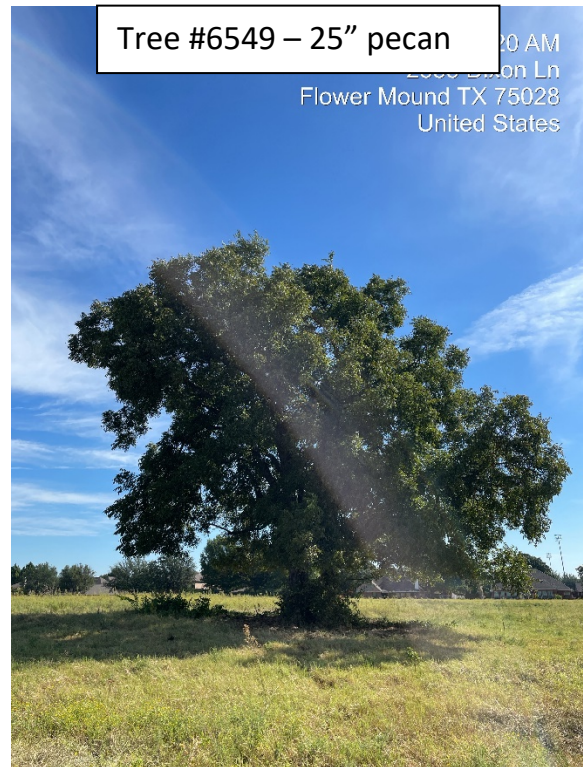
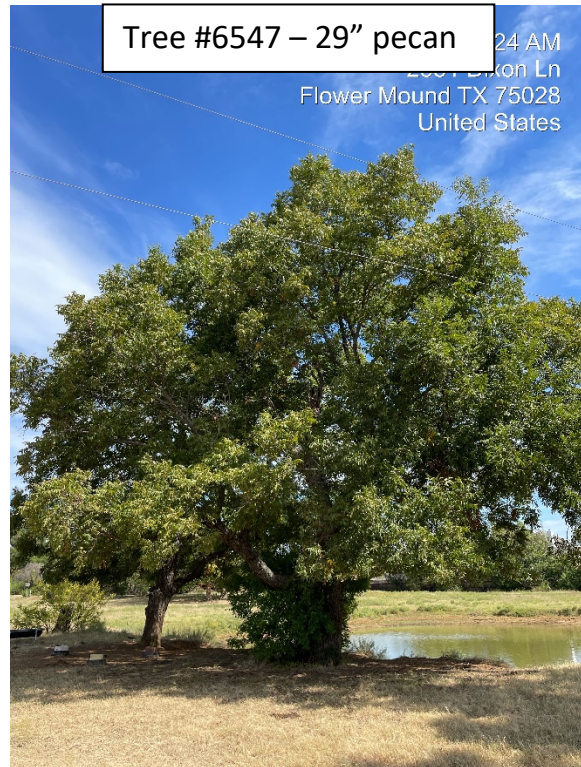
Hannah Hoagland
Notary Public in and for the State of Texas



Dixon Park -
Specimen trees proposed for removal

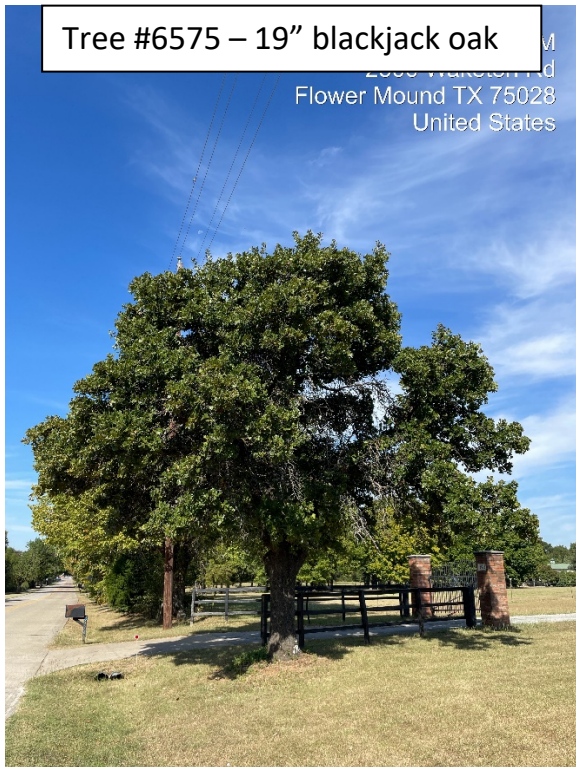






Tree #6575 – 19" blackjack oak

2000 Washington Rd
Flower Mound TX 75028
United States



Tree #6600 – 22" post oak

2000 Washington Rd
Flower Mound TX 75028
United States



Tree Removal Request Signage

Along Dixon Lane





landscape architecture
PO Box 38415
Dallas, Texas 75238
972.855.8705



client
Toll Southwest LLC
Mike Boswell
2555 SW Grapevine Parkway,
Suite 100
Grapevine, TX 76051

DIXON TRACT
TOWN OF FLOWER MOUND
DENTON COUNTY, TX

issue	
05.10.2021 City Submittal	
07.12.2021 City Submittal	
09.27.2021 City Submittal	

revisions	
△	

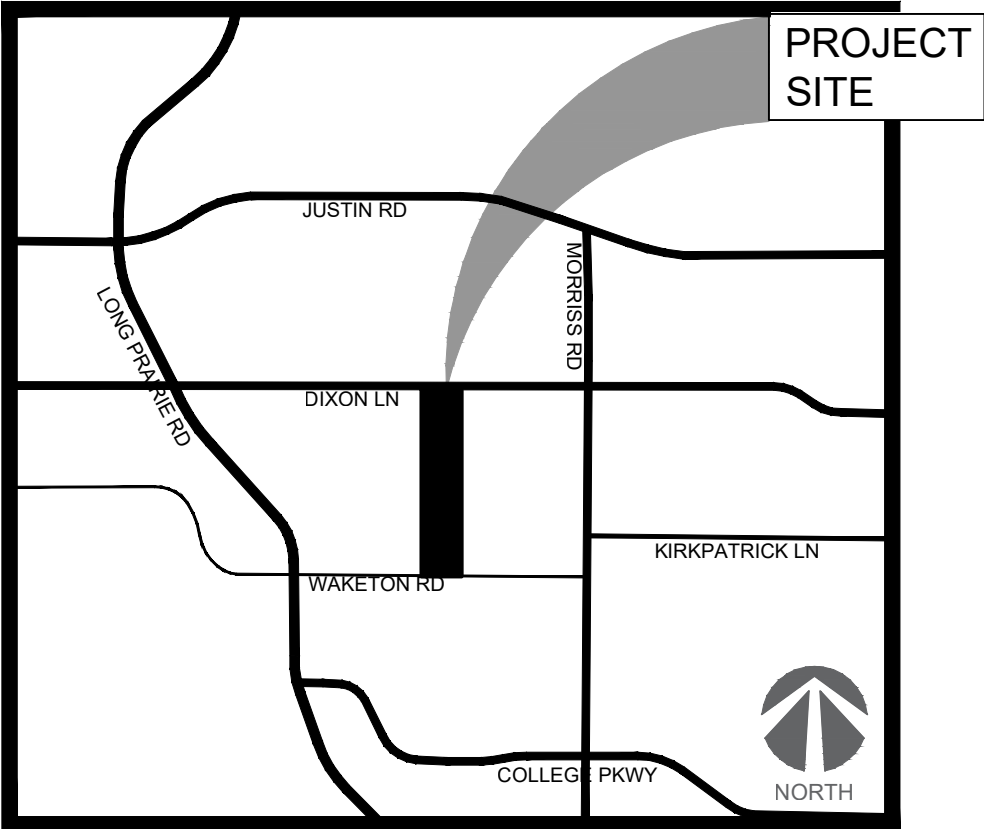
title
Tree Survey & Preservation Plan

project number 210002

date 09/27/2021

sheet

T-1.00



VICINITY MAP N.T.S.

TREE MITIGATION

- (A) TOTAL # OF PROTECTED SPECIMEN TREES ON SITE: 17
- (B) TOTAL # OF PROTECTED TREES ON SITE: 45
- (C) TOTAL NUMBER OF PROTECTED SPECIMEN TREES REMOVED: 14
- (D) TOTAL NUMBER OF PROTECTED TREES REMOVED: 32 (x3 = 96")
- (E) CREDITS FOR PROTECTED TREES TO REMAIN: 19 (x3 = 57")
- (F) TOTAL MITIGATION REQUIRED FOR REMOVED SPECIMEN TREES: 758"
- (G) TOTAL MITIGATION REQUIRED: (D) 96" + (F) 758" - (E) 57" = 797"

*Ref. Sheet LC-3.01 for Tree Mitigation Summary

NOTES:

TREES 6 INCHES AND GREATER AT HEIGHT SPECIFIED BY TOWN OF FLOWER MOUND ORDINANCE WERE TAGGED.

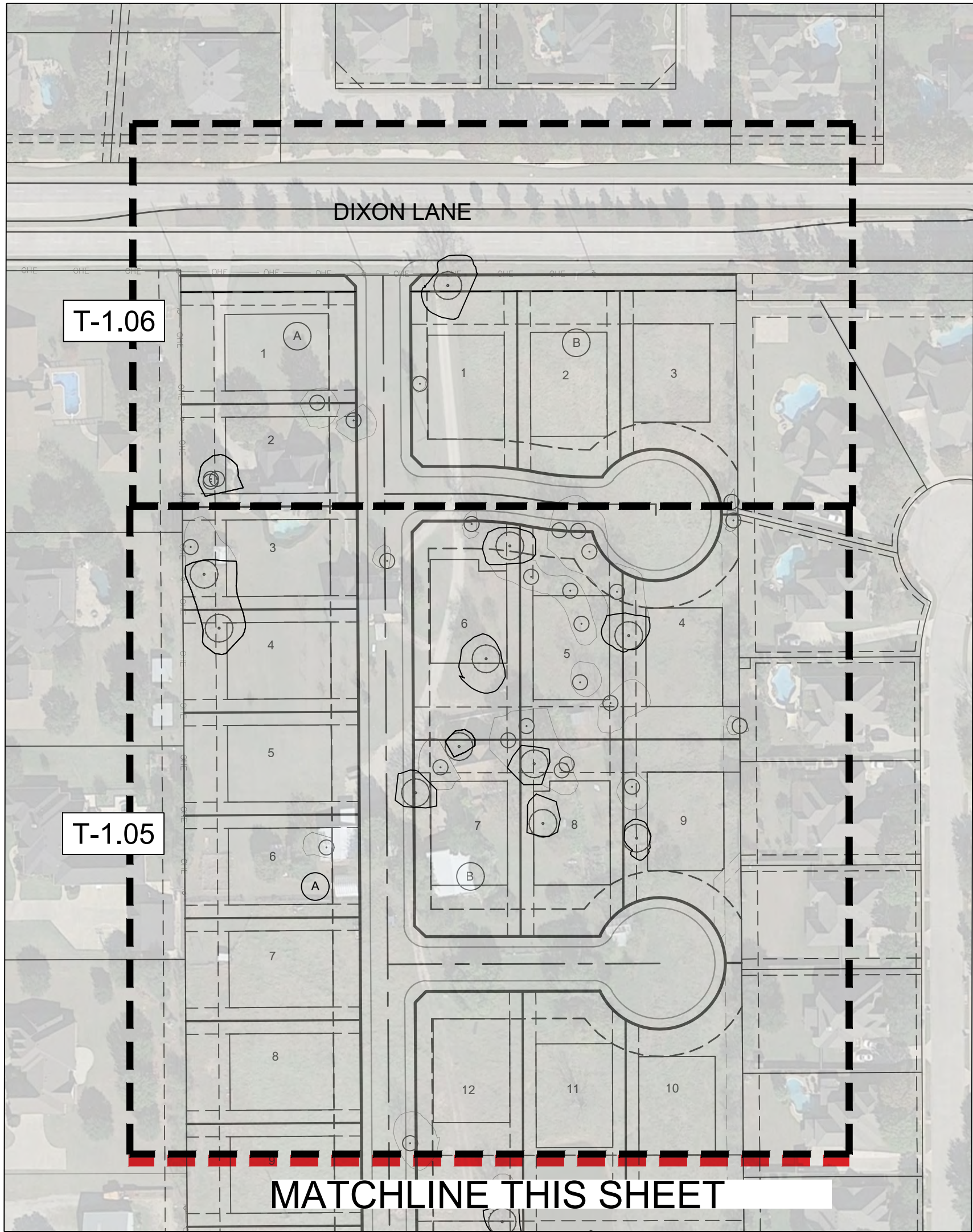
ALL TREES SHOWN TO REMAIN ARE TO BE PROTECTED FROM DAMAGE. STORAGE OF MATERIALS OR EQUIPMENT, CLEARING OF EQUIPMENT, EQUIPMENT WASH OUT OR ANY OTHER ACTION WHICH MAY CAUSE ADVERSE AFFECT ON THE EXISTING OR FUTURE PLANTING ARE PROHIBITED.

ALL DECLINING, HAZARDOUS, AND TREES IN POOR HEALTH ARE TO BE REMOVED. CONTRACTOR TO REVIEW TREES WITH ARBORIST PRIOR TO REMOVAL.

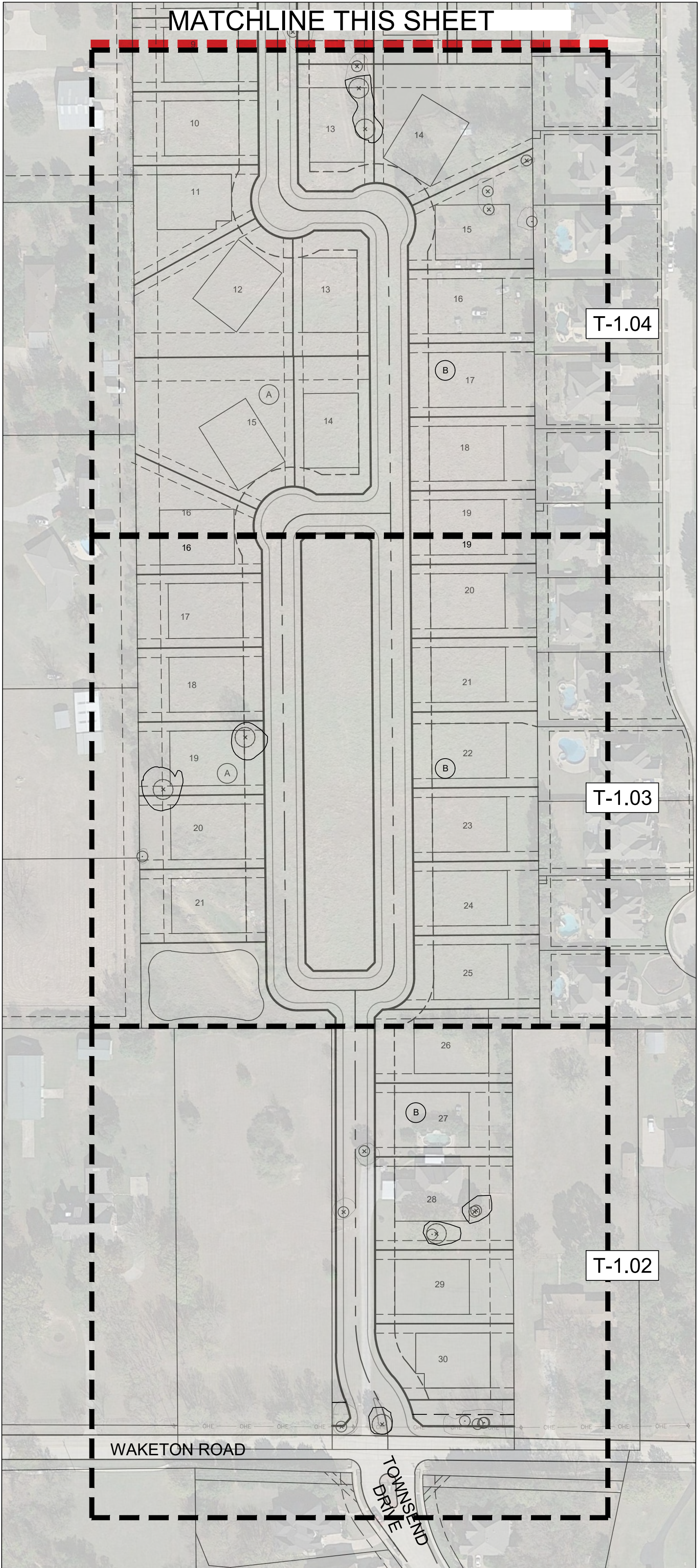
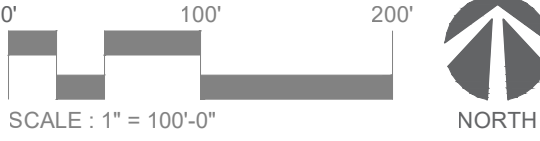
NO WORK MAY COMMENCE PRIOR TO THE INSTALLATION AND INSPECTION OF TREE PROTECTION. INSPECTION TO BE PERFORMED BY THE TOWN OF FLOWER MOUND'S ENVIRONMENTAL SERVICES DEPT.

ALL TREE CANOPY AREAS ARE APPROXIMATE AND ARE BASED ON THE BEST INFORMATION AVAILABLE.

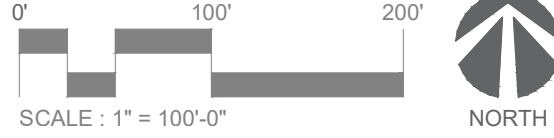
NO PROTECTED OR SPECIMEN TREES ARE LOCATED WITHIN 20' OF PROPOSED BORING LOCATIONS OR ACCESS PATH.



B OVERALL PLAN
SCALE: 1" = 100'-0"



A OVERALL PLAN
SCALE: 1" = 100'-0"





client
Toll Southwest LLC
Mike Boswell
2555 SW Grapevine Parkway,
Suite 100
Grapevine, TX 76051

DIXON TRACT
TOWN OF FLOWER MOUND
DENTON COUNTY, TX

issue

05.10.2021 City Submittal

07/13/2021 City Submittal

09/27/2021 City Submittal

revisions

4

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3	3. Date
4	4. Location
5	5. Subject
6	6. Summary
7	7. Introduction
8	8. Methodology
9	9. Results
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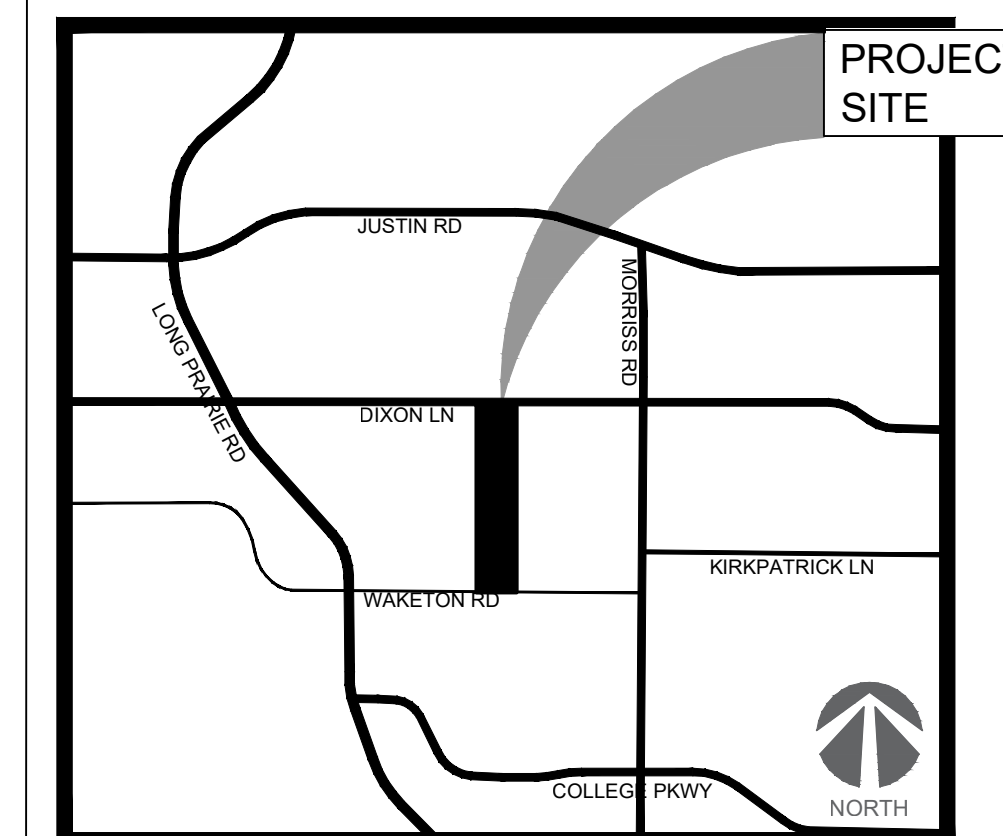
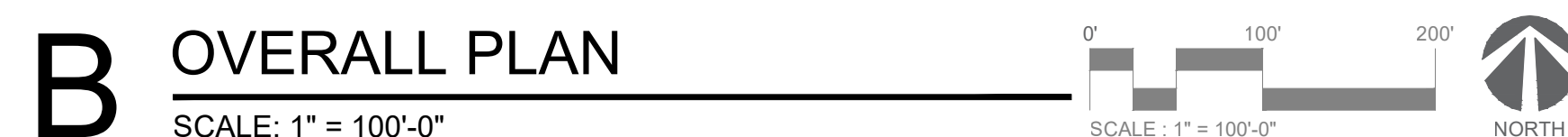
Tree Survey & Preservation Plan

project number 210002

date 09/27/2021

sheet

T-1.01



VICINITY MAP

N.T.S.

NOTES:

TREES 6 INCHES AND GREATER AT HEIGHT SPECIFIED BY TOWN OF
FLOWER MOUND ORDINANCE WERE TAGGED.

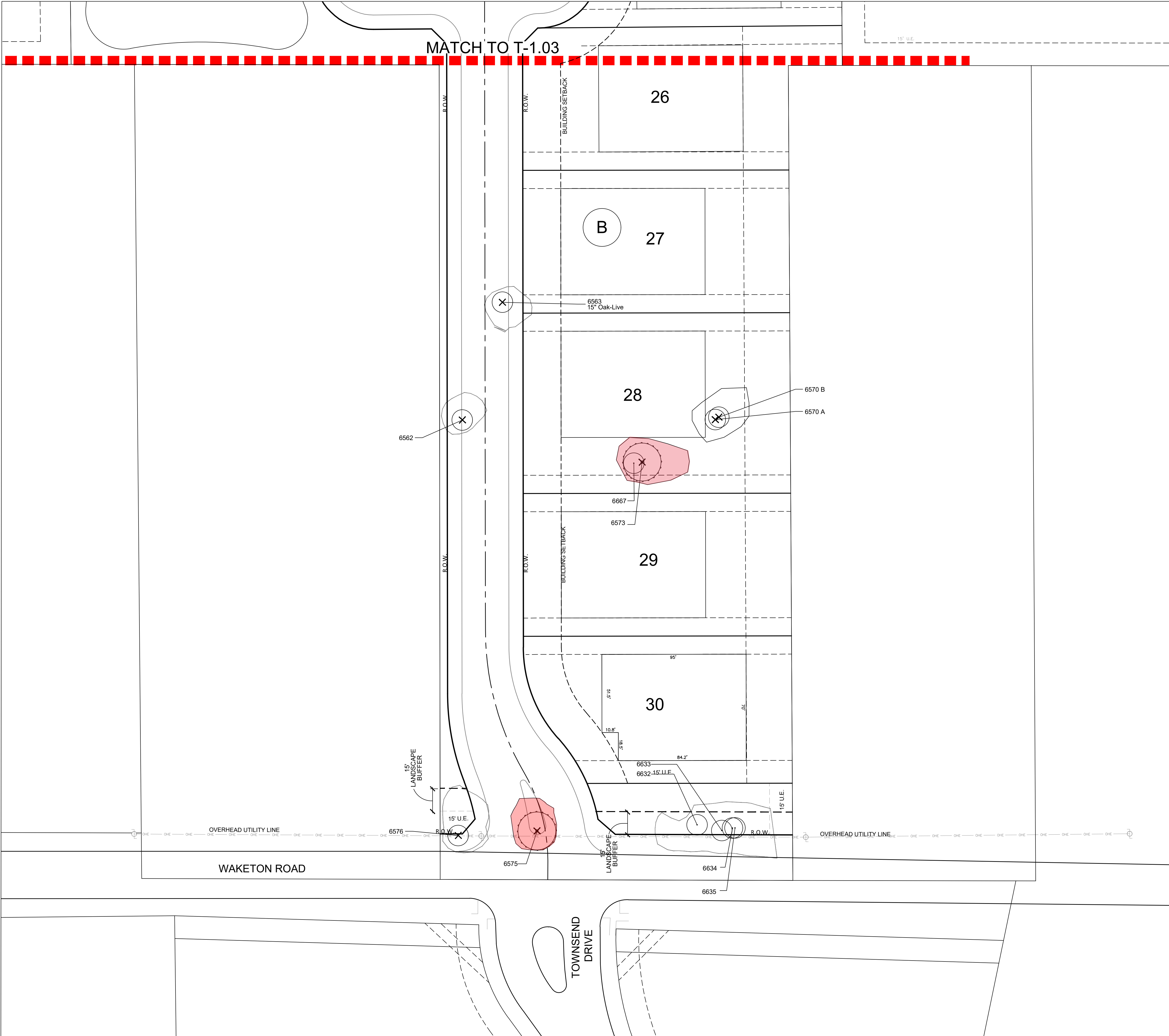
ALL TREES SHOWN TO REMAIN ARE TO BE PROTECTED FROM DAMAGE. STORAGE OF MATERIALS OR EQUIPMENT, CLEARING OF EQUIPMENT, EQUIPMENT WASH OUT OR ANY OTHER ACTION WHICH MAY CAUSE ADVERSE AFFECT ON THE EXISTING OR FUTURE PLANTING ARE PROHIBITED.

ALL DECLINING, HAZARDOUS, AND TREES IN POOR HEALTH ARE TO BE REMOVED. CONTRACTOR TO REVIEW TREES WITH ARBORIST PRIOR TO REMOVAL.

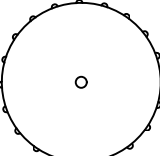
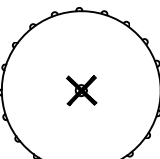
NO WORK MAY COMMENCE PRIOR TO THE INSTALLATION AND INSPECTION OF TREE PROTECTION. INSPECTION TO BE PERFORMED BY THE TOWN OF FLOWER MOUND'S ENVIRONMENTAL SERVICES DEPT.

ALL TREE CANOPY AREAS ARE APPROXIMATE AND ARE BASED ON THE BEST INFORMATION AVAILABLE.

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LEGEND

-  SPECIMEN TREE
-  SPECIMEN TREE TO BE REMOVED
-  PROTECTED TREE
-  PROTECTED TREE TO BE REMOVED



landscape architecture
PO Box 38415
Dallas, Texas 75238
972.855.8705



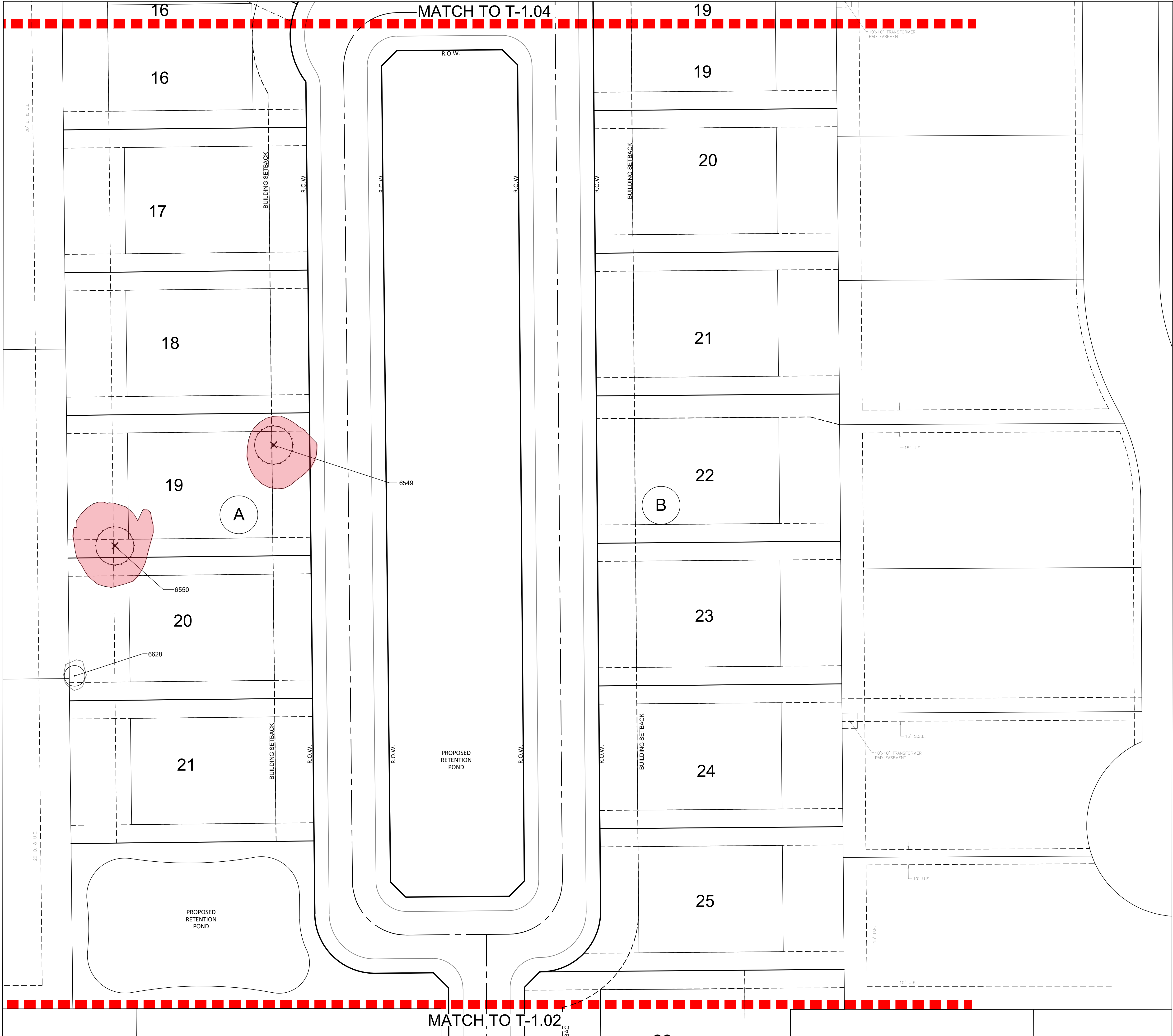
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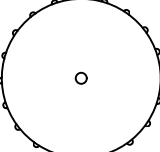
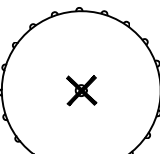
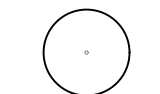
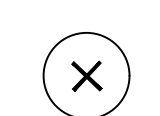
issue
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-  SPECIMEN TREE
-  SPECIMEN TREE TO BE REMOVED
-  PROTECTED TREE
-  PROTECTED TREE TO BE REMOVED



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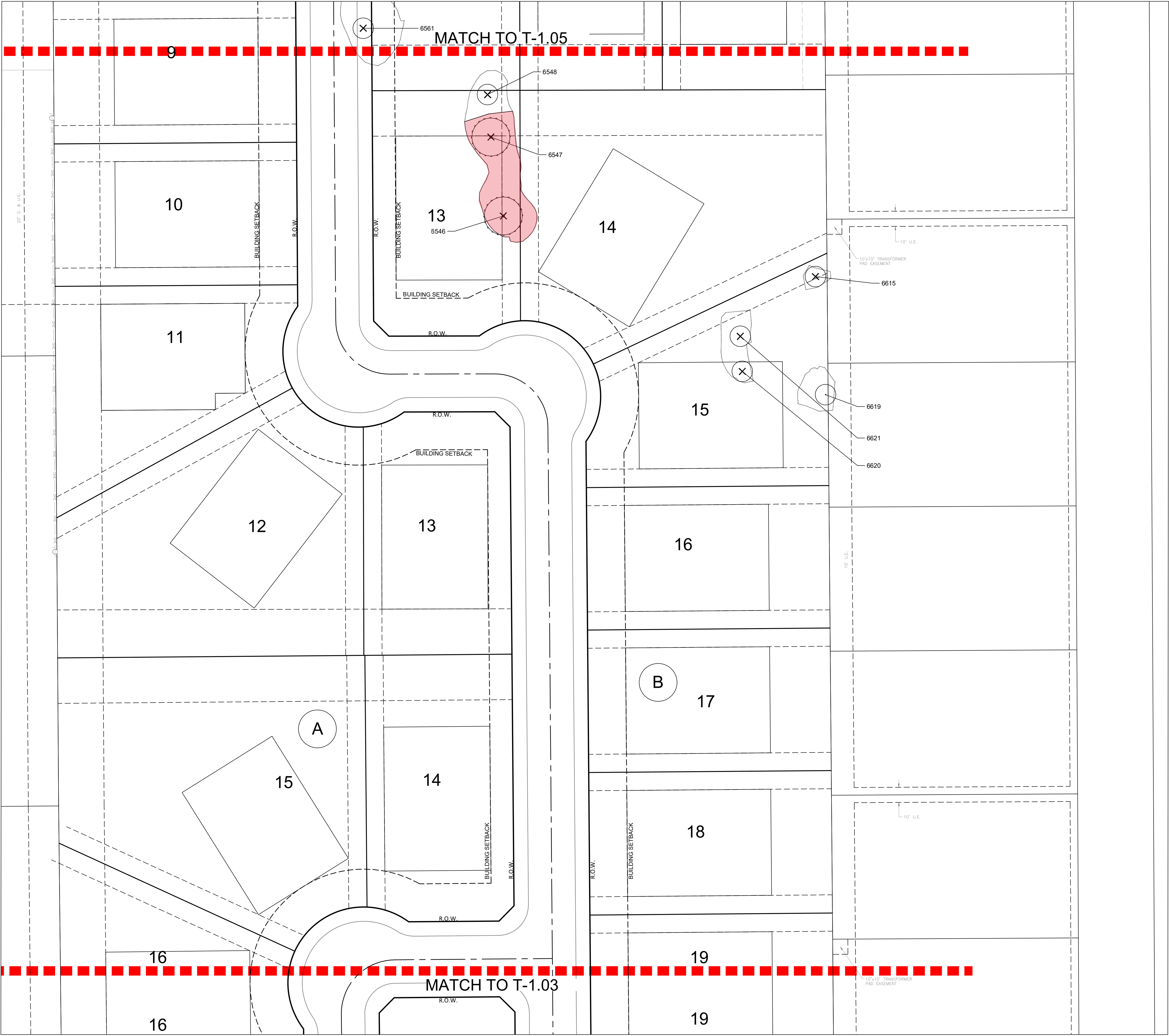
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TOWN OF FLOWER MOUND
DENTON COUNTY, TX

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07.12.2021 City Submittal
09.27.2021 City Submittal

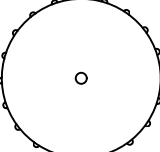
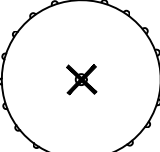
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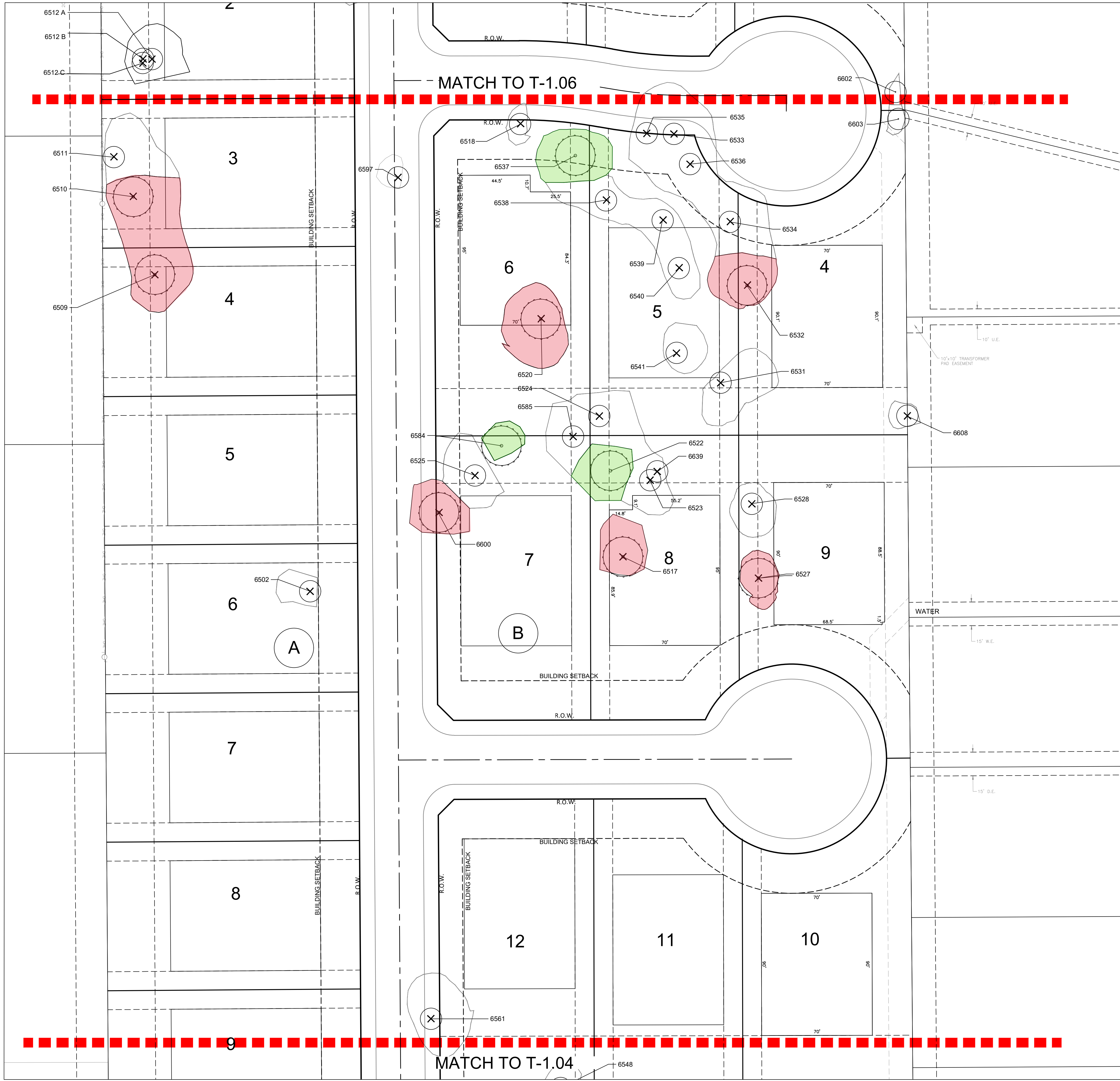
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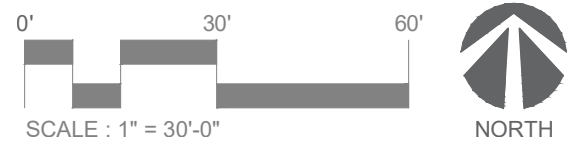
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- PROTECTED TREE
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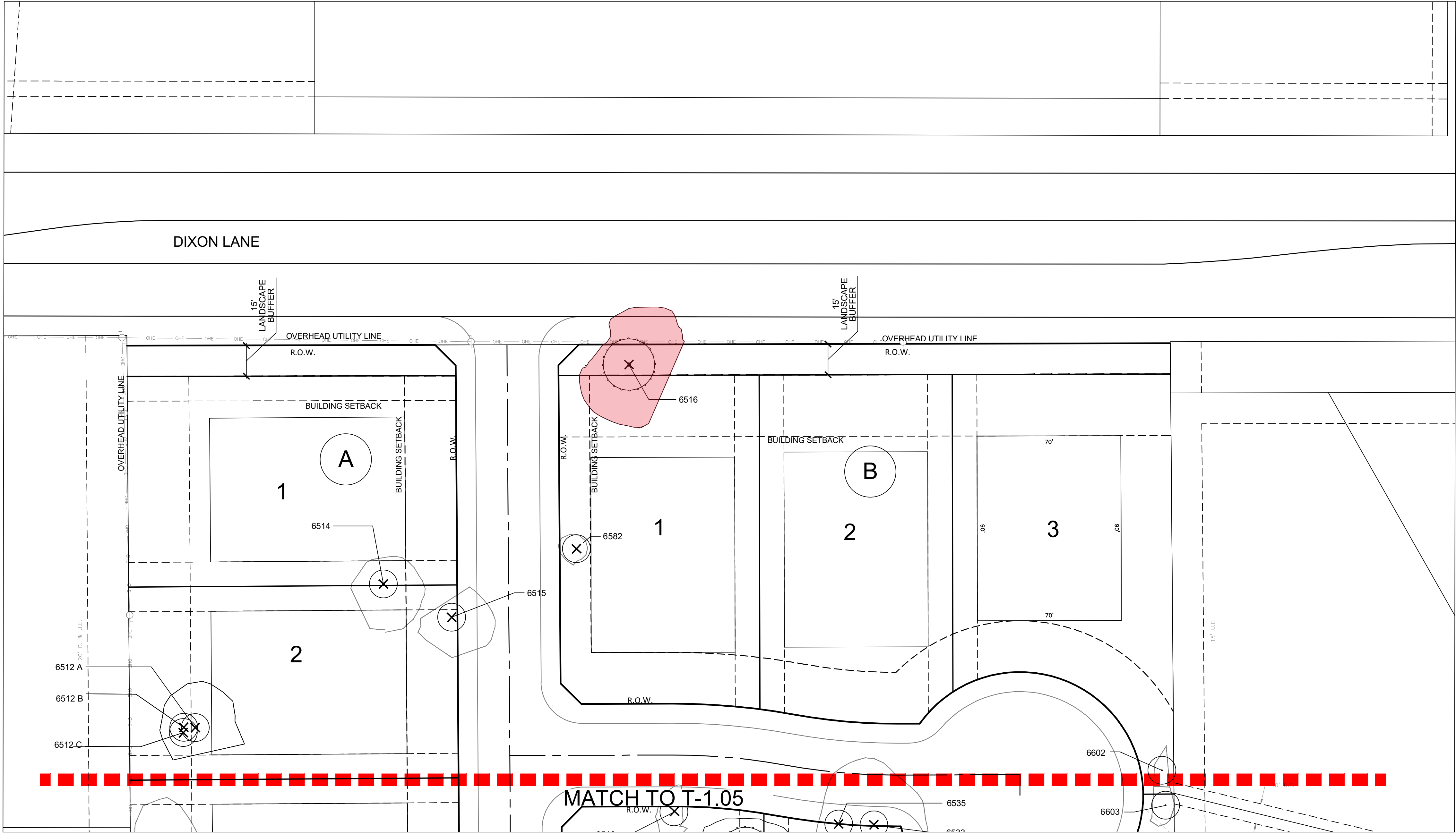
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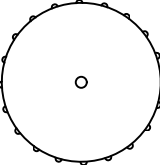
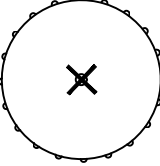
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LEGEND

-  SPECIMEN TREE
-  SPECIMEN TREE TO BE REMOVED
-  PROTECTED TREE
-  PROTECTED TREE TO BE REMOVED



landscape architecture
PO Box 38415
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DIXON TRACT
TOWN OF FLOWER MOUND
DENTON COUNTY, TX

issue
05.10.2021 City Submittal
07.12.2021 City Submittal
09.27.2021 City Submittal

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Tag #	Scientific Name	Common Name	DBH Height (feet)	DBH (inches)	Est. Canopy Spread (feet)	Condition	Protected Status	Specimen Status	Remove / Remain	Street ROW	Landscape Buffer	Buildable Area	Poor Health	Preservation Credits	Preservation Credits (x 3 inches)	Mitigation Multiplier	Required Mitigation (inches)	
6502	<i>Carya illinoensis</i>	Pecan	1.0	17	35	Fair	Protected		Remove			X			0		3	Located in Lot 6, Block A
6509	<i>Carya illinoensis</i>	Pecan	4.5	27	55	Good	Protected	Specimen	Remove			X			0	2	54	Located in Lot 4, Block A
6510	<i>Carya illinoensis</i>	Pecan	4.5	28	60	Fair	Protected	Specimen	Remove			X			0	2	56	Located in Lot 3, Block A
6511	<i>Carya illinoensis</i>	Pecan	3.0	22	50	Fair	Protected		Remove			X			0		3	Located in Lot 3, Block A
6512 A	<i>Quercus virginiana</i>	Oak-Live	4.5	13	28	Fair	Protected		Remove			X			0		3	Located in Lot 2, Block A
6512 B	<i>Quercus virginiana</i>	Oak-Live	4.5	12	28	Fair	Protected		Remove			X			0		3	Located in Lot 2, Block A
6512 C	<i>Quercus virginiana</i>	Oak-Live	4.5	12	28	Fair	Protected		Remove			X			0		3	Located in Lot 2, Block A
6514	<i>Quercus shumardii</i>	Oak-Shumard	4.5	18	40	Good	Protected		Remove			X			0		3	Located in Lot 1, Block A
6515	<i>Quercus virginiana</i>	Oak-Live	3.0	15	35	Fair	Protected		Remove			X			0		3	Located in Lot 2, Block A
6516	<i>Carya illinoensis</i>	Pecan	4.5	29	65	Good	Protected	Specimen	Remove		X				0	2	58	Exists in Landscape Buffer
6517	<i>Quercus stellata</i>	Oak-Post	4.5	26	55	Good	Protected	Specimen	Remove			X			0	2	52	Located in Lot 8, Block B
6518	<i>Carya illinoensis</i>	Pecan	4.5	21	35	Fair	Protected		Remove			X			0		3	Located in Lot 6, Block B
6520	<i>Carya illinoensis</i>	Pecan	2.0	31	55	Fair	Protected	Specimen	Remove			X			0	2	62	Located in Lot 6, Block B
6522	<i>Quercus stellata</i>	Oak-Post	4.5	33	65	Good	Protected	Specimen	Remain			X		6	18		0	Located in Lot 8, Block B
6523	<i>Carya illinoensis</i>	Pecan	0.5	19	65	Good	Protected		Remove			X			0	0	3	Located in Lot 8, Block B
6524	<i>Carya illinoensis</i>	Pecan	4.5	13	30	Fair	Protected		Remove			X			0		3	Located in Lot 5, Block B
6525	<i>Carya illinoensis</i>	Pecan	4.5	22	50	Fair	Protected		Remove			X			0		3	Located in Lot 7, Block B
6527	<i>Carya illinoensis</i>	Pecan	4.5	25	40	Fair	Protected	Specimen	Remove			X			0	2	50	Located in Lot 9, Block B
6528	<i>Carya illinoensis</i>	Pecan	4.5	20	30	Fair	Protected		Remove			X			0		3	Located in Lot 9, Block B
6531	<i>Carya illinoensis</i>	Pecan	4.5	16	30	Good	Protected		Remove			X			0		3	Located in Lot 5, Block B
6532	<i>Carya illinoensis</i>	Pecan	4.5	27	45	Fair	Protected	Specimen	Remove			X			0	2	54	Located in Lot 4, Block B
6533	<i>Carya illinoensis</i>	Pecan	4.5	19	45	Good	Protected		Remove			X			0		3	Located in Lot 5, Block B
6534	<i>Carya illinoensis</i>	Pecan	4.5	12	25	Poor	Protected		Remove			X	X		0		0	Located in Lot 5, Block B, no mitigation poor health
6535	<i>Carya illinoensis</i>	Pecan	3.0	24	60	Fair	Protected		Remove	X					0		3	Located in proposed ROW
6536	<i>Carya illinoensis</i>	Pecan	4.5	19	30	Fair	Protected		Remove			X			0		3	Located in Lot 5, Block B
6537	<i>Carya illinoensis</i>	Pecan	3.0	25	50	Fair	Protected	Specimen	Remain			X		5	15		0	Located in Lot 6, Block B
6538	<i>Carya illinoensis</i>	Pecan	2.0	12	15	Fair	Protected		Remove			X			0		3	Located in Lot 5, Block B
6539	<i>Carya illinoensis</i>	Pecan	3.0	18	35	Fair	Protected		Remove			X			0		3	Located in Lot 5, Block B
6540	<i>Carya illinoensis</i>	Pecan	4.0	13	30	Fair	Protected		Remove			X			0		3	Located in Lot 5, Block B
6541	<i>Carya illinoensis</i>	Pecan	4.5	18	30	Fair	Protected		Remove			X			0		3	Located in Lot 5, Block B
6546	<i>Carya illinoensis</i>	Pecan	3.0	28	35	Fair	Protected	Specimen	Remove			X			0	2	56	Located in Lot 13, Block B
6547	<i>Carya illinoensis</i>	Pecan	4.5	29	35	Fair	Protected	Specimen	Remove			X			0	2	58	Located in Lot 13, Block B
6548	<i>Carya illinoensis</i>	Pecan	4.5	22	25	Fair	Protected		Remove			X			0		3	Located in Lot 13, Block B
6549	<i>Carya illinoensis</i>	Pecan	4.0	25	45	Good	Protected	Specimen	Remove			X			0	2	50	Located in Lot 19, Block A
6550	<i>Carya illinoensis</i>	Pecan	2.0	30	55	Good	Protected	Specimen	Remove			X			0	2	60	Located in Lot 19, Block A
6561	<i>Carya illinoensis</i>	Pecan	4.5	24	55	Poor	Protected		Remove	X			X		0		0	Located in proposed ROW, no mitigation poor health
6562	<i>Fraxinus pennsylvanica</i>	Ash-Green	4.5	13	25	Good	Protected		Remove	X					0		3	Located in proposed ROW
6563	<i>Quercus virginiana</i>	Oak-Live	4.5	15	25	Fair	Protected		Remove	X					0		3	Located in proposed ROW
6570 A	<i>Quercus marilandica</i>	Oak-Blackjack	4.5	13	35	Fair	Protected		Remove			X			0		3	Located in Lot 28, Block B
6570 B	<i>Quercus marilandica</i>	Oak-Blackjack	4.5	11	35	Fair	Protected		Remove			X			0		3	Located in Lot 28, Block B
6573	<i>Ulmus americana</i>	Elm-American	4.0	33	55	Fair	Protected	Specimen	Remove			X			0	2	66	Located in Lot 28, Block B
6575	<i>Quercus marilandica</i>	Oak-Blackjack	4.5	19	30	Good	Protected	Specimen	Remove	X					0	2	38	Located in proposed ROW
6576	<i>Ulmus americana</i>	Elm-American	4.5	23	40	Fair	Protected		Remove	X					0		0	Located in existing ROW of Waketon Road
6582	<i>Quercus muehlenbergii</i>	Oak-Chinquapin	4.0	6	10	Good	Protected		Remove			X			0		3	Located in Lot 1, Block B
6584	<i>Ilex vomitoria</i>	Yaupon	2.0	13	15	Good	Protected	Specimen	Remain			X		3	9		0	Located in Lot 7, Block B
6585	<i>Ilex vomitoria</i>	Yaupon	2.0	10	15	Good	Protected		Remove			X			0		3	Located in Lot 7, Block B
6597	<i>Quercus shumardii</i>	Oak-Shumard	4.5	7	20	Good	Protected		Remove	X					0		3	Located in proposed ROW
6600	<i>Quercus stellata</i>	Oak-Post	4.5	22	55	Good	Protected	Specimen	Remove			X			0	2	44	Located in Lot 7, Block B
6602	<i>Carya illinoensis</i>	Pecan	4.5	6	35	Good	Protected		Remain			X		1	3		0	Located in Lot 4, Block B
6603	<i>Carya illinoensis</i>	Pecan	4.5	6	20	Fair	Protected		Remain			X		1	3		0	Located in Lot 4, Block B
6608	<i>Ulmus americana</i>	Elm-American	4.5	8	25	Fair	Protected		Remove			X			0		3	Located in Lot 4, Block B
6615	<i>Ulmus americana</i>	Elm-American	4.5	11	25	Fair	Protected		Remove			X			0		3	Located in Lot 15, Block B
6619	<i>Carya illinoensis</i>	Pecan	4.5	18	35	Good	Protected		Remain			X		1	3		0	Located in Lot 15, Block B
6620	<i>Carya illinoensis</i>	Pecan	3.0	7	15	Fair	Protected		Remove			X			0		3	Located in Lot 15, Block B
6621	<i>Carya illinoensis</i>	Pecan	3.0	12	25	Poor	Protected		Remove			X	X		0		0	Located in Lot 15, Block B, no mitigation poor health
6628	<i>Carya illinoensis</i>	Pecan	4.5	7	15	Fair	Protected		Remain			X		1	3		0	Located in Lot 20, Block A
6632	<i>Carya illinoensis</i>	Pecan	4.5	6	10	Good	Protected		Remain		X				0		0	Exists in Landscape Buffer
6633	<i>Ulmus americana</i>	Elm-American	4.5	13	20	Good	Protected		Remain		X				0		0	Exists in Landscape Buffer
6634	<i>Ulmus americana</i>	Elm-American	3.0	14	25	Fair	Protected		Remain		X				0		0	Exists in Landscape Buffer
6635	<i>Ulmus americana</i>	Elm-American	4.5	8	20	Fair	Protected		Remain		X				0		0	Exists in Landscape Buffer
6639	<i>Carya illinoensis</i>	Pecan	4.5	11	20	Good	Protected		Remove			X			0		3	Located in Lot 8, Block B
6667	<i>Bumelia languinosa</i>	Chittamwood	4.5	6	10	Fair	Protected		Remain			X			1	3	0	Located in Lot 28, Block B
														19	57		854	
																	57	TOTAL MITIGATION CREDITS (INCHES)
																	797	TOTAL MITIGATION INCHES REQUIRED



landscape architecture

PO Box 38415
Dallas, Texas 75238
972.855.8705



client
Toll Southwest LLC
Mike Boswell
2555 SW Grapevine Parkway,
Suite 100
Grapevine, TX 76051

DIXON TRACT
TOWN OF FLOWER MOUND
DENTON COUNTY, TX

issue

05.10.2021 City Submittal

07.12.2021 City Submittal

09.27.2021 City Submittal

revisions



title

Tree Inventory

project number 210002

date 09/27/2021

sheet

Dixon Tract

TOWN OF FLOWER MOUND

C O N C E P T U A L L A N D S C A P E / S C R E E N I N G P L A N

PROJECT TEAM

OWNER

Toll Southwest LLC
Contact:
Mike Boswell
2555 SW Grapevine Parkway, Suite 100
Grapevine, TX 76051
214.460.4647

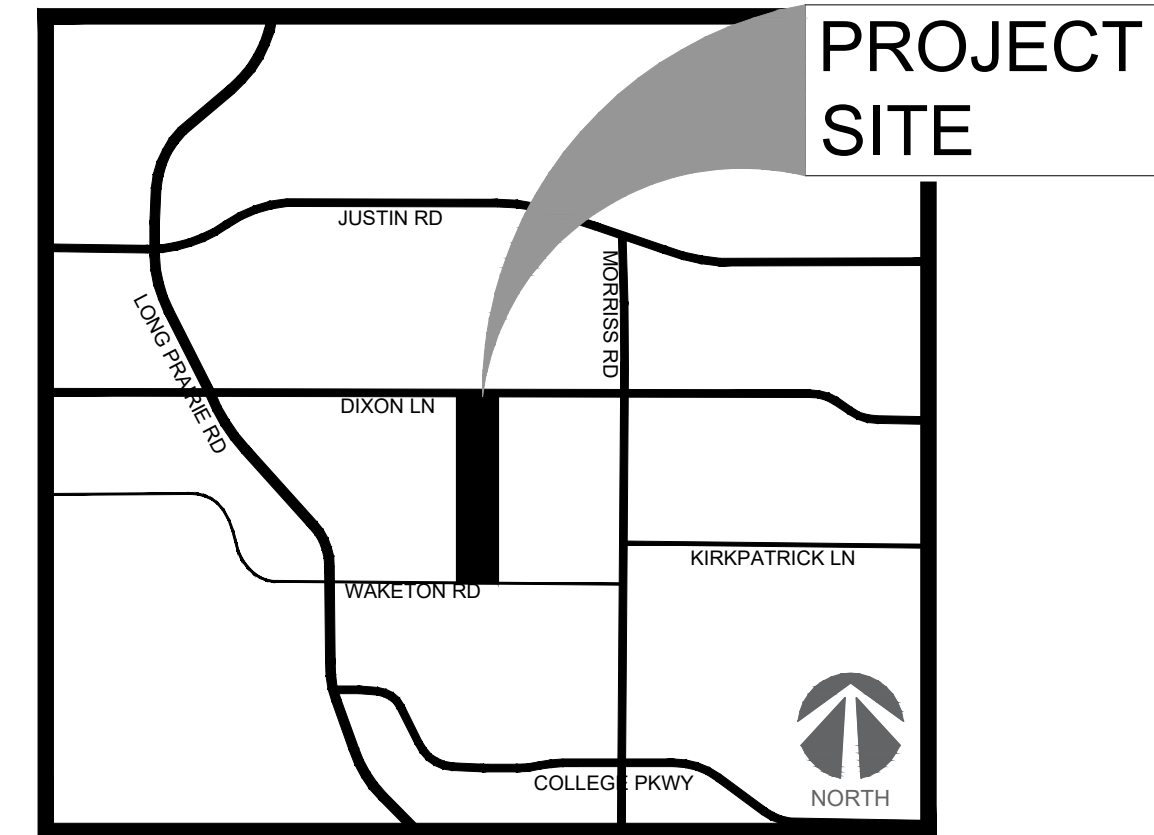
LANDSCAPE ARCHITECT



Green Door Studio
Contact:
Paul Cozzolino
PO Box 38415
Dallas, TX 75238
O: 972.855.8705

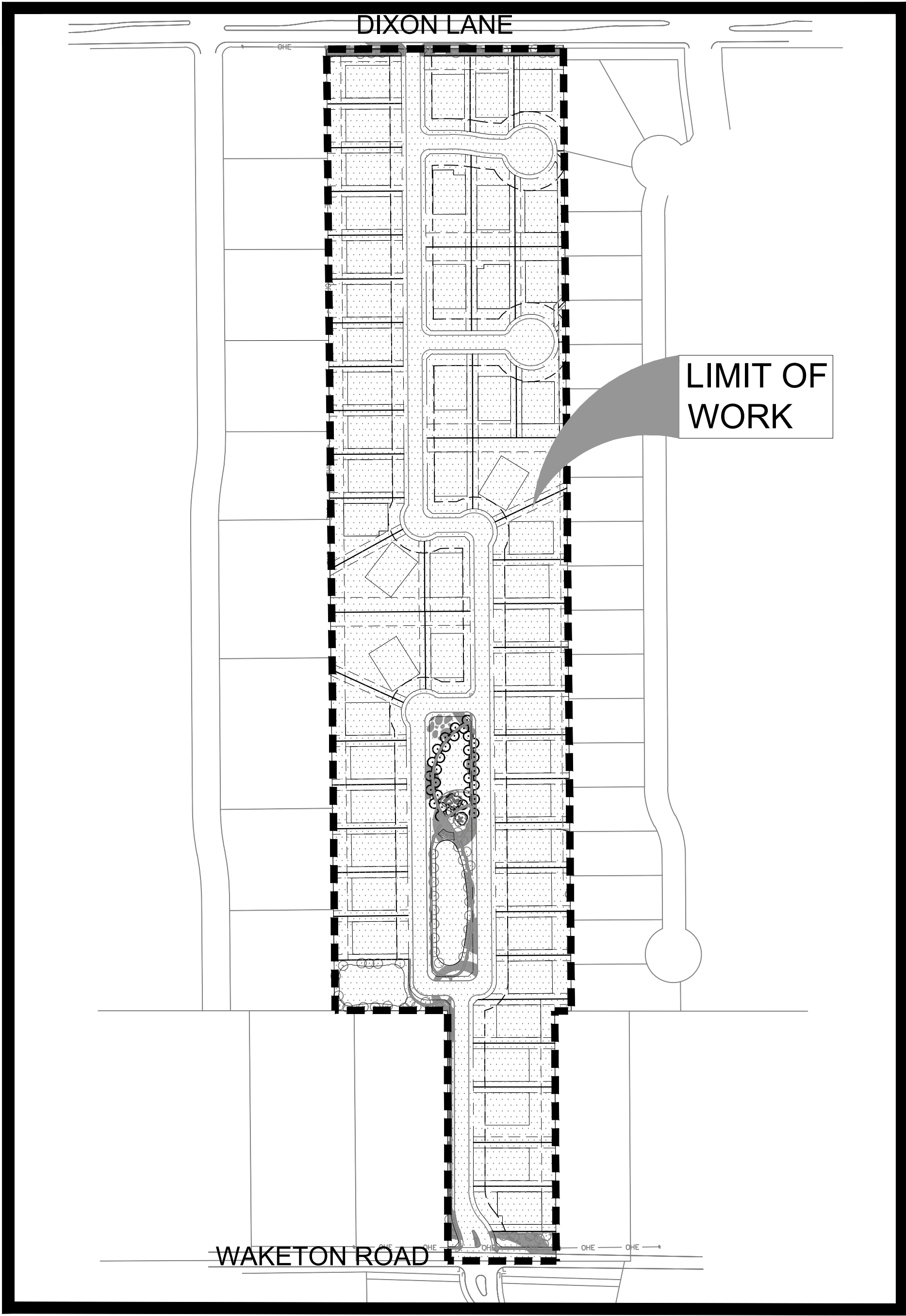


Sheet List Table	
Sheet Number	Sheet Title
--	Cover
G-1.01	General Construction Notes
G-1.02	Overall Screening Plan
G-1.03	Overall Key Plan
LC-1.01	Conceptual Landscape and Screening
LC-1.02	Conceptual Landscape and Screening
LC-1.03	Conceptual Landscape and Screening
L-2.01	Hardscape Details
L-2.02	Hardscape Details
L-2.03	Hardscape Details
LC-3.01	Planting Detail Schedule and Notes
T-1.00	Tree Survey & Preservation Plan
T-1.01	Tree Survey & Preservation Plan
T-1.02	Tree Survey & Preservation Plan
T-1.03	Tree Survey & Preservation Plan
T-1.04	Tree Survey & Preservation Plan
T-1.05	Tree Survey & Preservation Plan
T-1.06	Tree Survey & Preservation Plan
T-2.00	Tree Inventory



VICINITY MAP

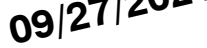
N.T.S.



SITE MAP



ISSUED	REVISIONS
05.10.2021 City Submittal	△
07.12.2021 City Submittal	△
09.27.2021 City Submittal	△
PROJECT NO. : 210002	
DRW: P.C., FY	
RVW: P.C.	



clien

TOWN OF FLOWER MOUND
DENTON COUNTY, TX

General Construction Notes

date 09/27/202

sheet

G-1.01

PLANTING NOTES

- ## LAYOUT NOTES

- It is the intent of this Contract for the Contractor to design and install a complete automatic 2-wire Weathermatic controlled irrigation system based on the information, details and specifications provided in these documents.
1. The Contractor shall submit an irrigation plan for review and approval by the Owner's Representative prior to commencing work. Work completed before the approval of the plan may be rejected.
 2. The irrigation system shall be capable of applying full head to head coverage of 1" of water per week. Irrigation times shall be limited to two days per week between the hours of 7pm and 10am.
 3. The Contractor shall be responsible for becoming aware of all related existing conditions, utilities, pipes and structures, etc. prior to bidding and underground. The Contractor shall be held responsible for contacting all utility companies for field location of all underground utility lines, including depths, prior to any excavation. The Contractor shall notify the Owner's representative of apparent conflicts with construction and utilities so that adjustments can be planned prior to installation. Contractor shall take sole responsibility for any and all cost or other liabilities incurred due to damage of said utilities/structures/etc.
 4. The Contractor shall not willfully proceed with construction as designed when it is apparent that unknown obstructions and/or grade differences exist that may not have been known during design. Such conditions shall be immediately brought to the attention of the Owner's Representative for clarification. The Contractor shall assume full responsibility for all liabilities, including necessary revisions due to failure to give such notification.
 5. The Contractor shall be responsible for coordination with subcontractors and other contractors of related trades as required to accomplish the installation of the irrigation system and related operations. Refer to the Planting Plans for locations of trees, beds, edging, etc.
 6. Coordinate installation of irrigation system with installation of all adjacent planting, pavements, curb and related structures. Any damage to existing improvements is the responsibility of the Contractor.
 7. Contractor shall notify Owner's Representative 48 hours prior to commencement of work to coordinate project inspection schedules.
 8. The Contractor shall be a registered Landscape Irrigator in the State of Texas.
 9. The design and the final installation of the irrigation system shall conform to all TCEQ and local rules and regulations.
 10. It is the Contractor's responsibility to coordinate final locations of irrigation equipment with the Owner's Representative to avoid paving, utilities, etc.
 11. It is the responsibility of the Contractor to be familiar with grade differences, location of walls, structures and utilities. The Contractor shall replace or repair all items damaged by his work.
 12. It is the intent of these documents to have the Contractor provide a complete operational irrigation system. The Contractor shall verify water pressure prior to construction. The Contractor shall report any discrepancy between design pressure and actual pressure to the Owner's Representative prior to commencing work.
 13. The Contractor shall obtain all permits and licenses, pay all charges and fees and file all notices required and necessary to provide a complete and operational irrigation system.
 14. The Contractor shall supply the Owner's Representative complete "as-built" record drawings showing the location of all mainlines, valves (manual and electric), controllers and control and monitoring devices. "As-built" drawings shall include a complete schedule outlining each zone by controller, type of zone (rotor, spray, drip, bubbler, etc.), flow rate, precipitation rate and general location.
 15. The Contractor shall provide a typed and laminated schedule outlining each zone by controller, type of zone (rotor, spray, drip, bubbler, etc.), flow rate, precipitation rate and general location. A copy of this schedule shall be affixed to the inside door of each controller.
 16. Each controller shall be equipped with an approved rain sensor device. Mounting location of sensor shall be approved by Owner's Representative.
 17. Install all backflow prevention devices and piping between the point of connection and the backflow prevention devices per local codes and ordinances.
 18. Final location of backflow prevention devices and system controllers shall be approved by Owner's Representative.
 19. Electrical service will be provided at the location of the controller by others. It is the responsibility of the Contractor to make the final connection from the service to the controller.
 20. All sleeving under proposed walks, walls and other lime improvements shall be located by a mark in the concrete at each end of sleeve locations. The mark shall be a "V" 4" long x 1/8th" deep pointing to the sleeve ends.
 21. All piping and wiring shall be installed in SCH 40 PVC sleeves. Install sleeving based on sleeve sizing guide below:
- | Pipe Size or Wire Quantity | Required Sleeve |
|----------------------------|-----------------|
| 3/4" - 1-1/4" Piping | 2" PVC Sleeve |
| 1 1/2" - 2" Piping | 4" PVC Sleeve |
| 2 1/2" - 3" Piping | 6" PVC Sleeve |
| 4" - Piping | 8" PVC Sleeve |
| 6" - Piping | 10" PVC Sleeve |
| 1 to 25 Control Wires | 2" PVC Sleeve |
| 26 to 75 Control Wires | 3" PVC Sleeve |
23. Pipe velocity shall not exceed 5 feet per second. Minimum pipe sizes shall be as follows:

- ## PLANTING LAYOUT AND INSTALLATION NOTES

GENERAL LEGEND	
ABBREVIATIONS	
SYMBOL	DEFINITION
APPROX.	APPROXIMATE
B.O.C.	BACK OF CURB
B.W.	BOTTOM OF WALL = FINISHED GRADE
C.L.	CENTER LINE
CONC.	CONCRETE
DIA.	DIAMETER
D.I.	DRAIN INLET
DWG.	DRAWING
E.J.	EXPANSION JOINT
ESMT.	EASEMENT
E.Q.	EQUAL
F.O.C.	FRONT OF CURB
F.F.E.	FINISH FLOOR ELEVATION
F.G.	FINISH GRADE
HP	HIGH POINT
L.O.C.	LIMIT OF CONSTRUCTION
O.C.	ON CENTER
O.C.E.W.	ON CENTER EACH WAY
P.O.B.	POINT OF BEGINNING
P.O.T.	POINT OF TANGENT
QTY.	QUANTITY
R	RADIUS
REF.	REFERENCE
R.O.W.	RIGHT OF WAY
SAN	SANITARY SEWER
S.G.	SUB GRADE
S.J.	SCORE JOINT
SIM.	SIMILAR
S.S.	STAINLESS STEEL
STRM.	STORM
T.B.D.	TO BE DETERMINED
T.C.	TOP OF CURB
T.O.B.	TOP OF BANK
T.O.C.	TOP OF CURB
T.R.	TOP OF RAMP
T.S.	TOP OF STEP
T.W.	TOP OF WALL
TYP.	TYPICAL
VAR.	VARIES
W/	WITH
W/O	WITHOUT
W.L.	WATER LINE

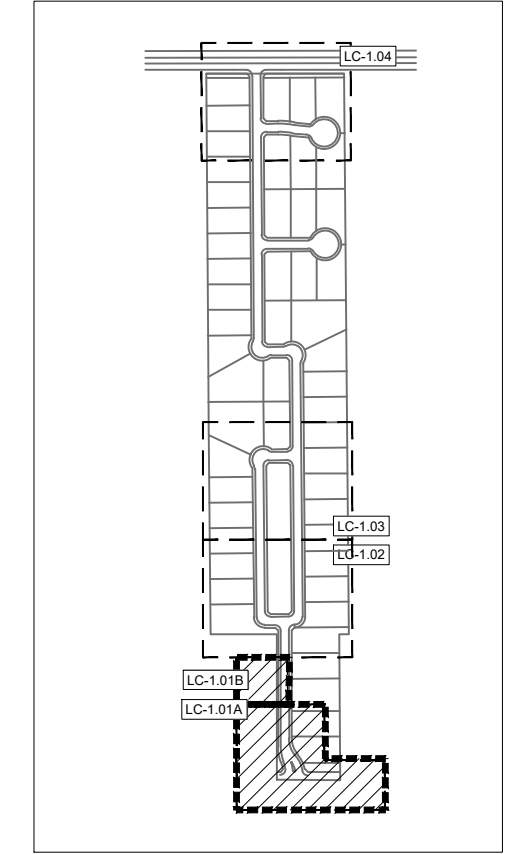
1. The Contractor shall be responsible for becoming aware of all related existing conditions, utilities, pipes and structures, etc. prior to bidding and construction. The Contractor shall be held responsible for contacting all utility companies for field location of all underground utility lines, including depths, prior to any excavation. The Contractor shall notify the Owner's Representative of apparent conflicts with construction and utilities so that adjustments can be planned prior to installation. Contractor shall take sole responsibility for any and all cost or other liabilities incurred due to damage of said utilities/structures/etc.
2. The Contractor shall not willfully proceed with construction as designed when it is apparent that unknown obstructions and/or grade differences exist that may not have been known during design. Such conditions shall be immediately brought to the attention of the Owner's Representative for clarification. The Contractor shall assume full responsibility for all liabilities, including necessary revisions due to failure to give such notification.
3. Contractor shall be responsible for coordination with subcontractors and other contractors of related trades as required to accomplish the planting and related operations.
4. The acceptable tolerances for this project are minimal and specific layout is required as shown on the layout, planting and other plans. Final location and staking of all plant materials shall be accepted by the Owner's Representative in advance of plantings.
5. Coordinate installation of all plant material with installation of all adjacent irrigation, pavements, curb and related structures. Any damage to existing improvements is the responsibility of the Contractor.
6. Contractor shall notify Owner's Representative 48 hours prior to commencement of work to coordinate project inspection schedules.
7. The Contractor shall take all necessary scheduling and other precautions to avoid climatic damage to plants. A "planting" of specific calendar days is required to be submitted by the Contractor for approval and planting operations should occur per this approved schedule.
8. If conflicts arise between size of areas and plants, Contractor is required to contact Owner's Representative for resolution. Failure to make such conflicts known to the Owner's Representative will result in Contractor's liability to relocate the materials.
9. Plant names may be abbreviated on the drawings. See plant legend for symbols, abbreviations, botanical/common names, sizes, estimated quantities (if given) and other remarks.
10. It is the Contractor's responsibility to furnish all plant materials free of pests or plant diseases. Pre-selected or "tagged" material must be inspected by the Contractor and certified pest and disease free. It is the Contractor's obligation to maintain and warranty all plant materials per the specifications. All plants shall be subject to Owner's approval prior to installation.
11. Where provided, area takeoffs and plant quantity estimates in plant list are for information only. Contractor is responsible to do their own quantity take-offs for all plant materials and sizes shown on plans. In case of any discrepancies, plans take precedence over call-outs and/or the plant list(s).
12. Contractor shall provide "per-unit costs" for every size of plant material, and by type, as called out on Planting Plans in the Bid Proposal. Unit cost to include the plant material itself and installation, including all labor, amendments, fertilizers, warranty, etc., as detailed and specified for each size, "complete in place".
13. The Contractor is responsible to restore all areas of the site, or adjacent areas, where disturbed by operations of or related to the Contractor's work. Sod areas disturbed shall be restored with new sod. Native areas disturbed, if not already improved to meet other requirements of this contract, shall be restored consistent with type, rates and species of existing condition.
14. All plants shall be nursery grown, Grade 1 plants meeting American Nursery and Landscape Association (ANLA) standards set forth in the "American Standard for Nursery Stock" (ANSI Z60.1-2004). Plants are to be typical in shape and size for species. Plants shall not be root-bound or loose in their containers. Handle all plants with care in transporting, planting and maintenance until inspection and final acceptance. Plants shall be installed to present their best side facing the viewer.
15. Warranty: Provide a one-year replacement warranty for all irrigated plant materials. Warranty shall cover plants which have died or partially died (thereby ruining their natural shape), but shall not include damage by vandalism, browsing, hail, abnormal freezes, drought or negligence by the Owner. The Warranty is intended to cover Contractor negligence, infestations, disease and disease or shock to plants. Plants replaced under Warranty will be warranted for one year following replacement.



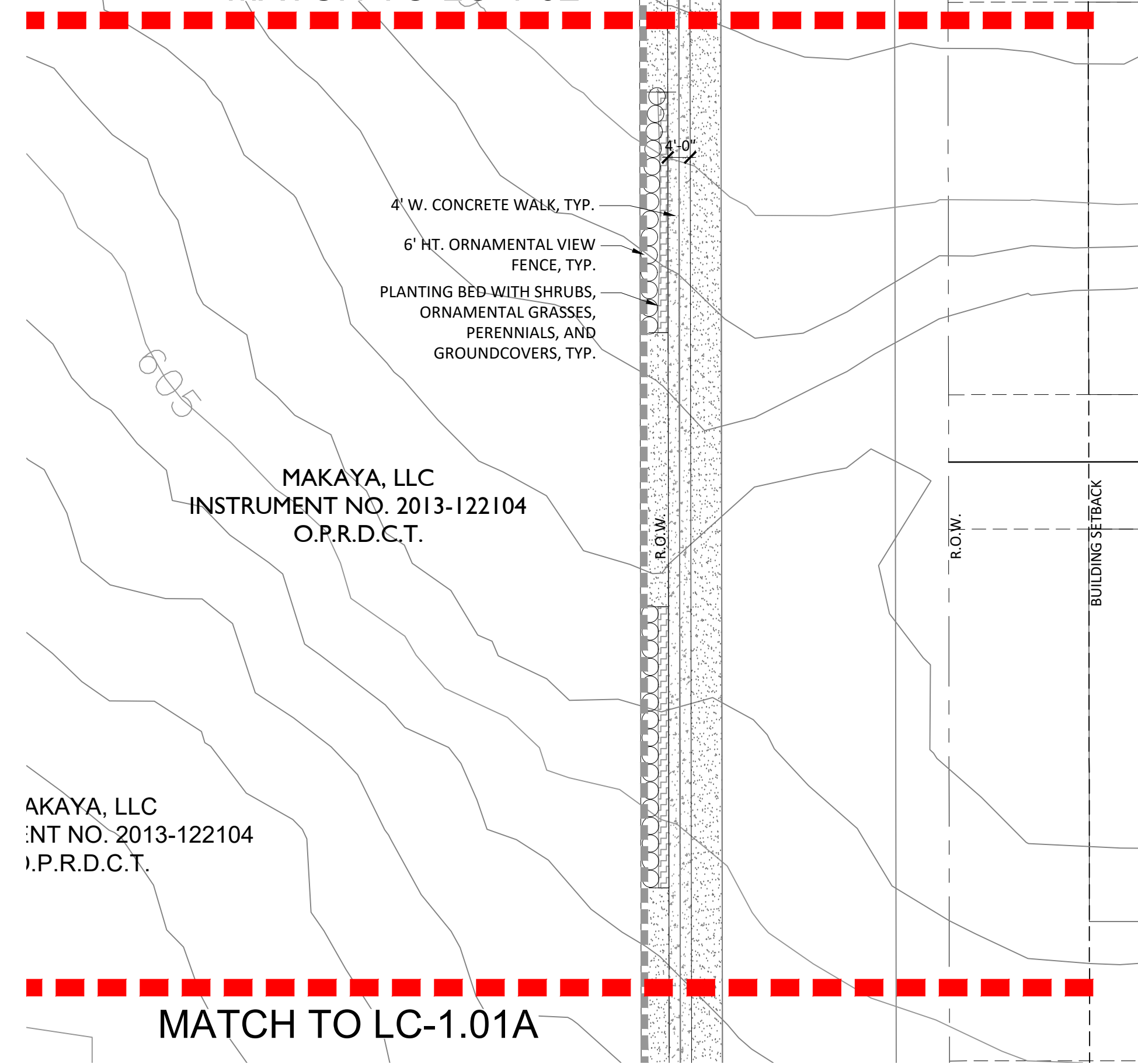
6' HEIGHT MASONRY WALL



KEYMAP

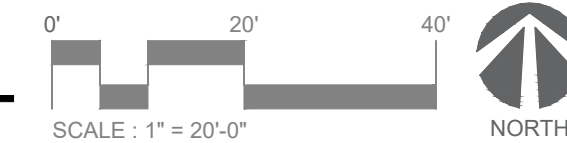


MATCH TO LC-1.02

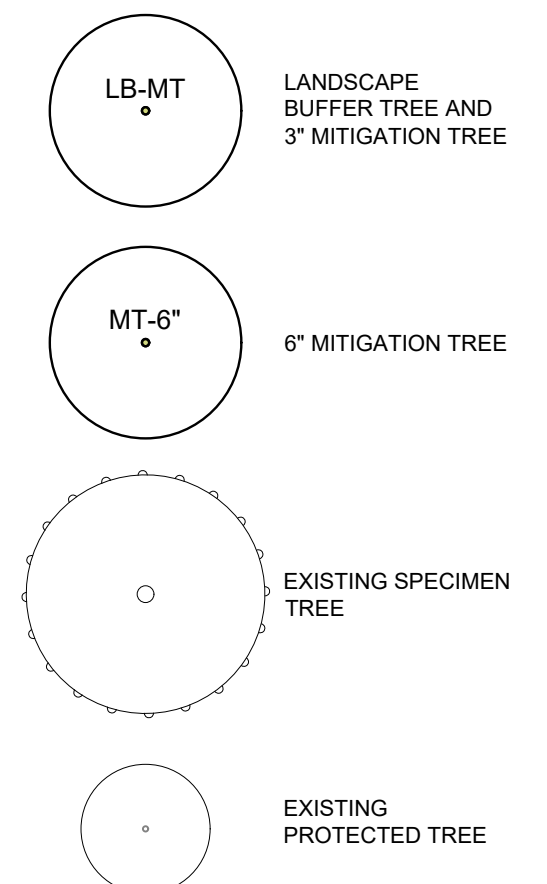


B CONCEPTUAL LANDSCAPE AND SCREENING

SCALE: 1" = 20'-0"

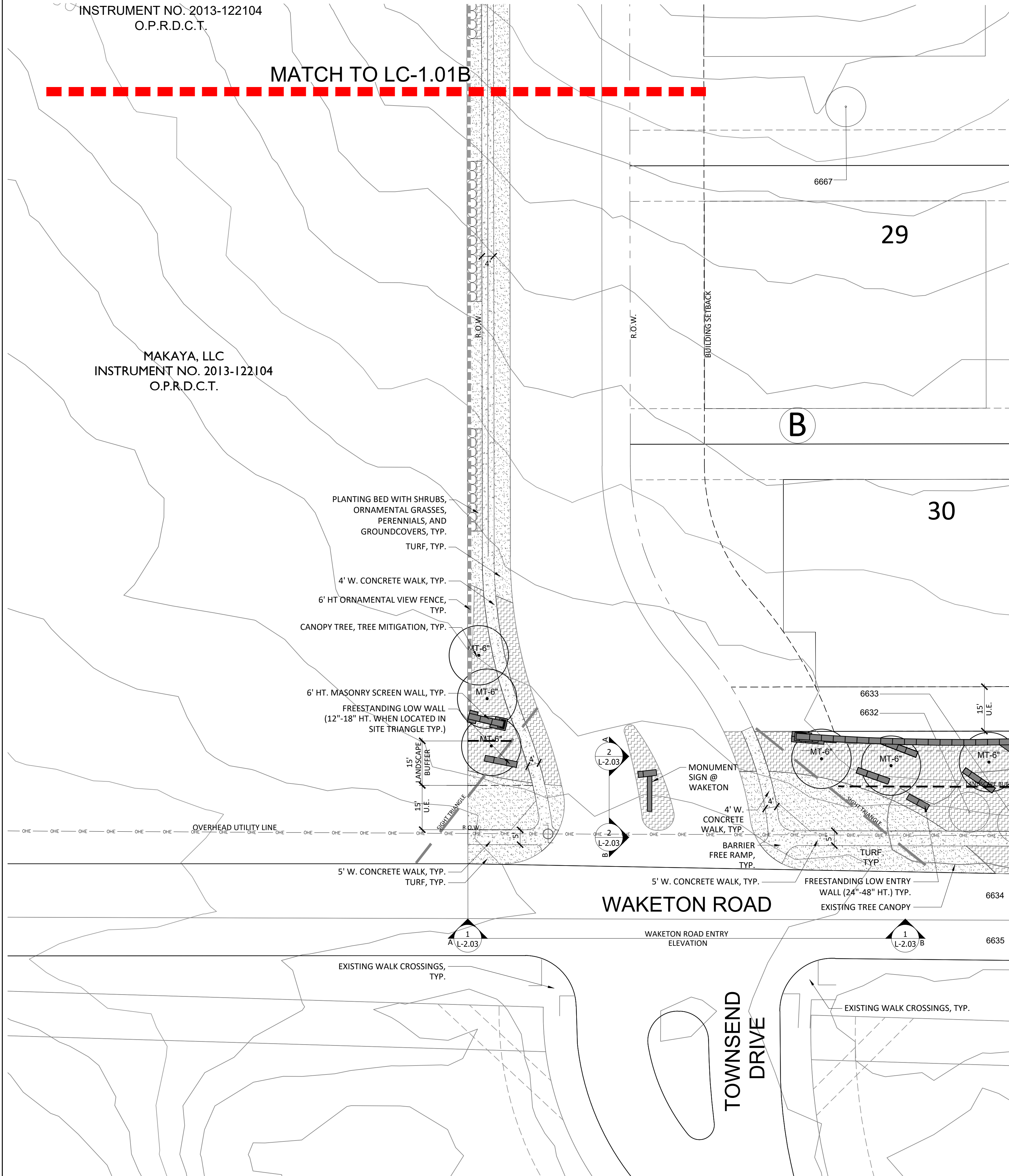


LEGEND



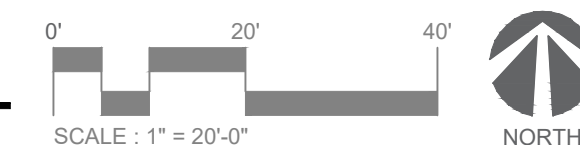
INSTRUMENT NO. 2013-122104
O.P.R.D.C.T.

MATCH TO LC-1.01B



A CONCEPTUAL LANDSCAPE AND SCREENING

SCALE: 1" = 20'-0"



issue
05.10.2021 City Submittal
07.12.2021 City Submittal
09.27.2021 City Submittal

revisions

sheet

0' 20' 40'

SCALE : 1" = 20'-0"

NORTH





landscape architecture

PO Box 38415
Dallas, Texas 75238
972.855.8705



client
Toll Southwest LLC
Mike Boswell
2555 SW Grapevine Parkway,
Suite 100
Grapevine, TX 76051

DIXON TRACT
TOWN OF FLOWER MOUND
DENTON COUNTY, TX
CONCEPTUAL LANDSCAPE / SCREENING PLAN

issue
05.10.2021 City Submittal
07.12.2021 City Submittal
09.27.2021 City Submittal

revisions

title
Conceptual
Landscape and
Screening

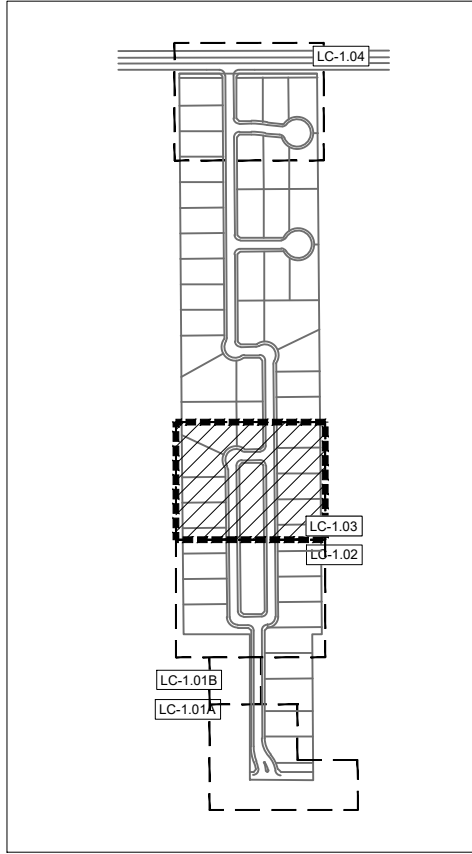
project number 210002

date 09/27/2021

sheet

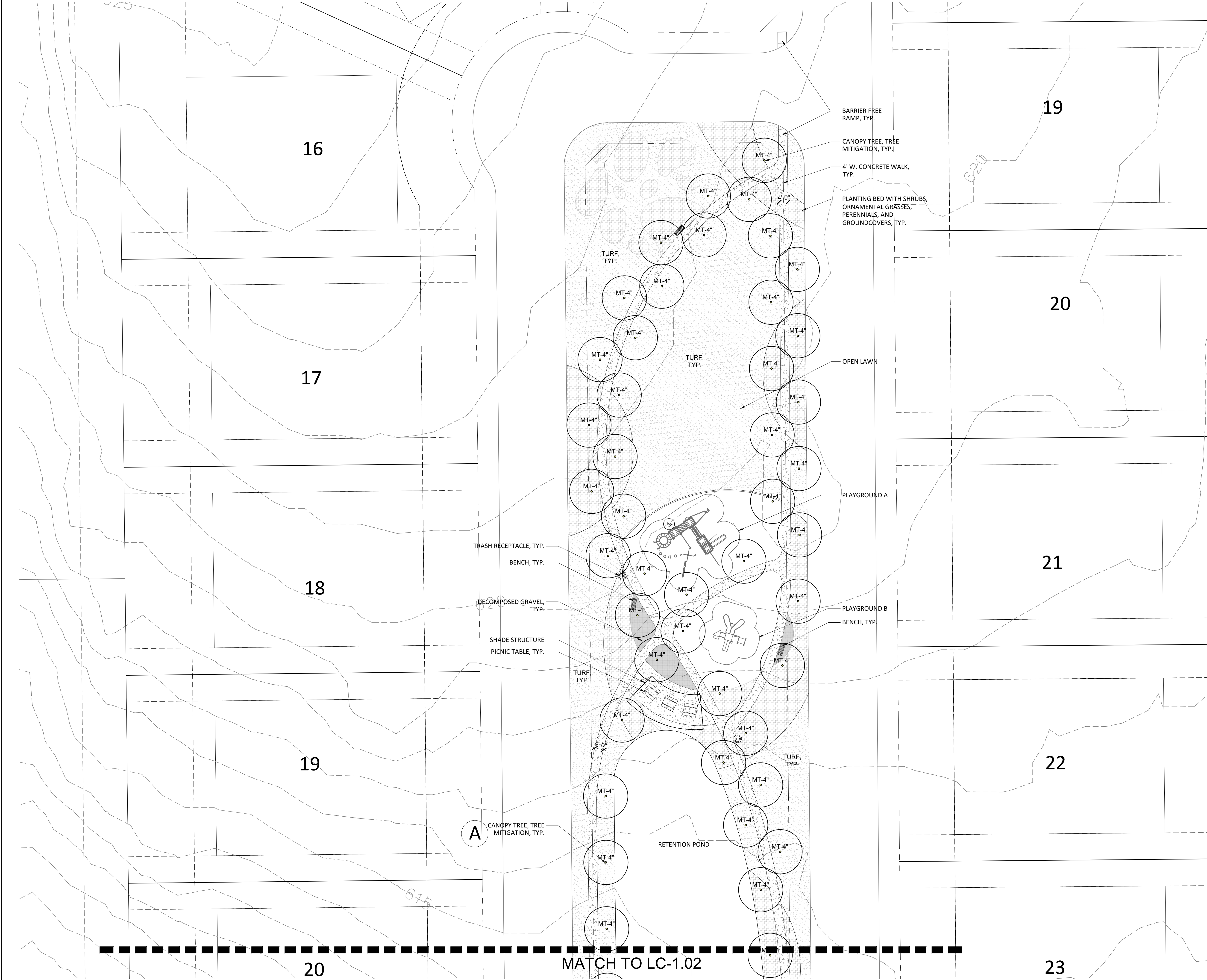
LC-1.03

KEYMAP

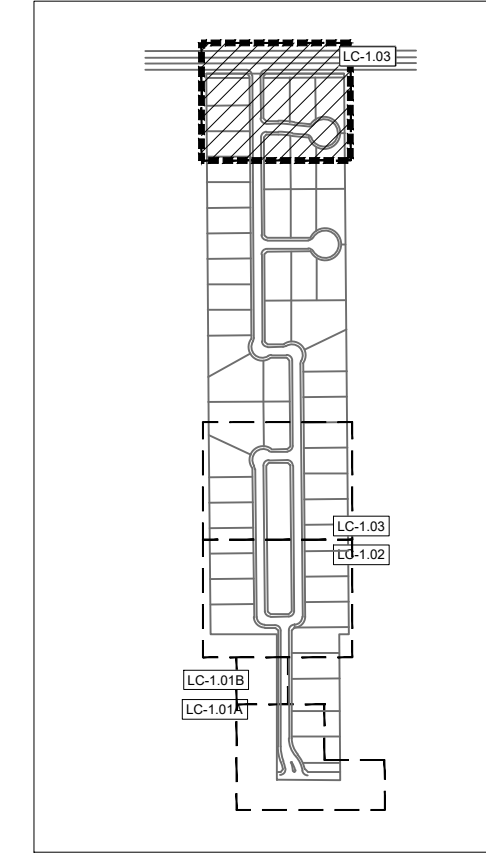


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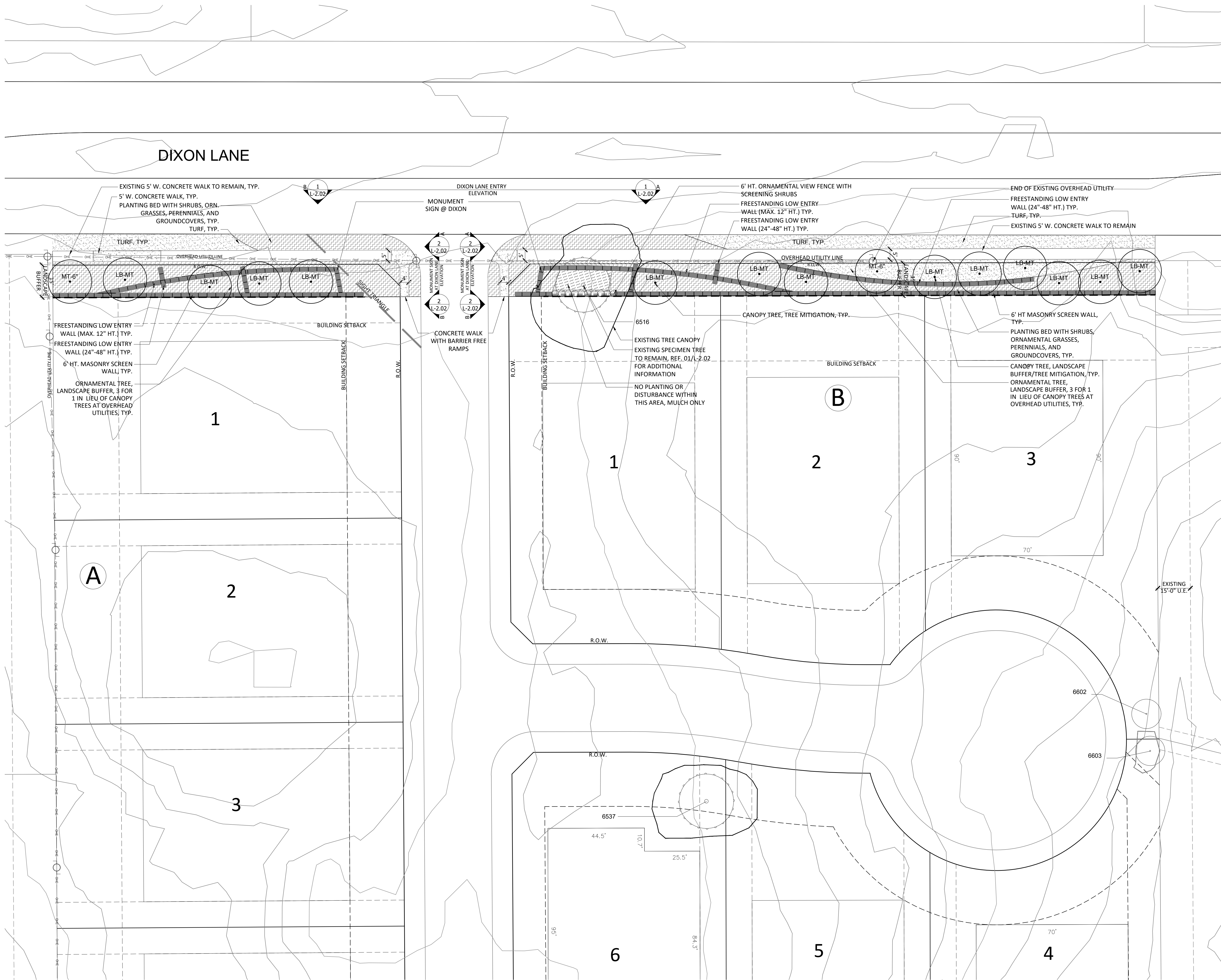
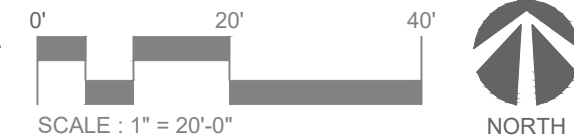
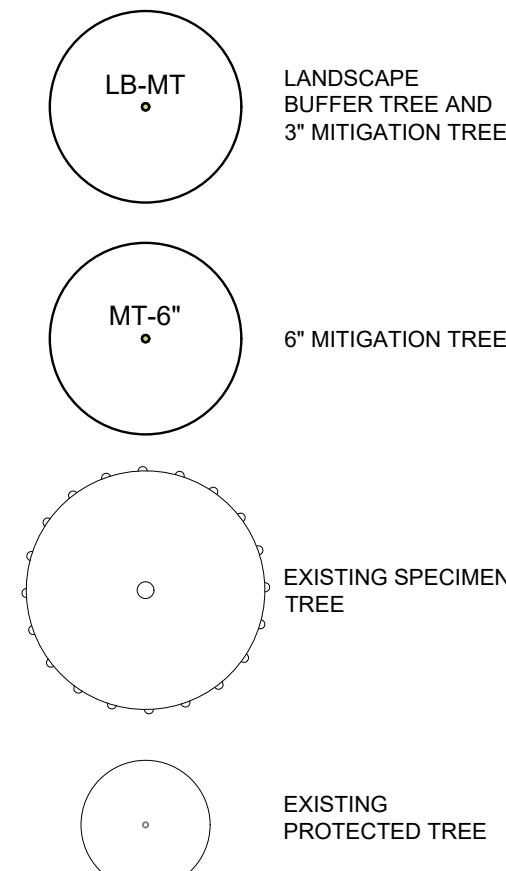
- LB-MT
LANDSCAPE
BUFFER TREE AND
3" MITIGATION TREE
- MT-6"
6" MITIGATION TREE
- EXISTING SPECIMEN
TREE
- EXISTING
PROTECTED TREE



KEYMAP



LEGEND







landscape architecture
PO Box 38415
Dallas, Texas 75238
972.855.8705



client
Toi Southwest LLC
Mike Boswell
2555 SW Grapevine Parkway,
Suite 100
Grapevine, TX 76051

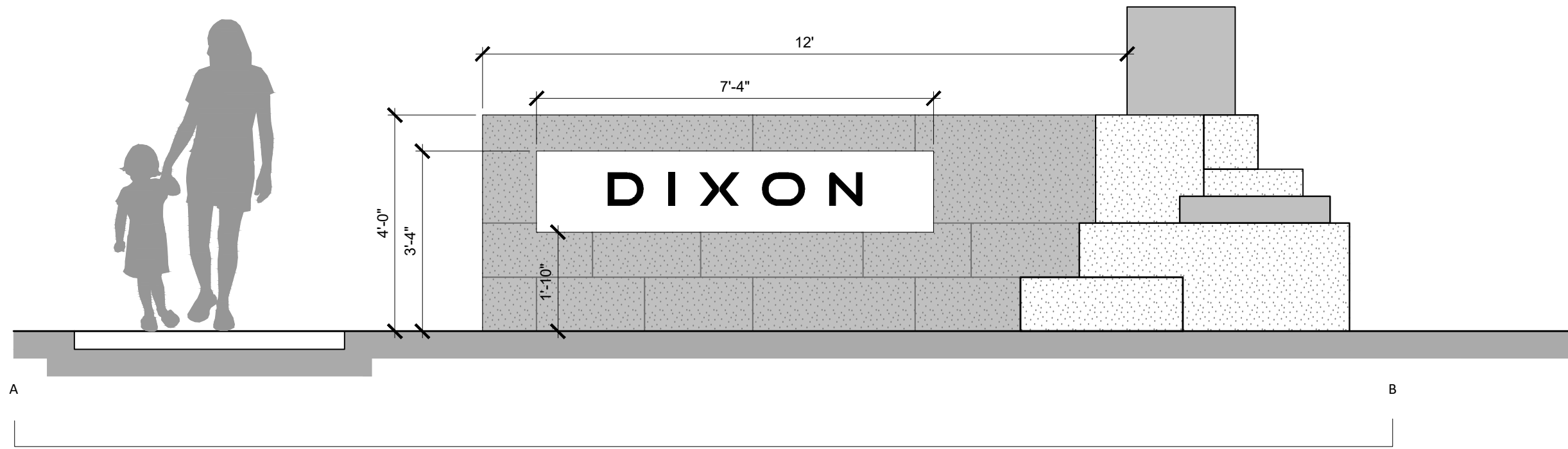
DIXON TRACT
TOWN OF FLOWER MOUND
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CONCEPTUAL LANDSCAPE / SCREENING PLAN

issue
05.10.2021 City Submittal
07.12.2021 City Submittal
09.27.2021 City Submittal

revisions

title
Hardscape Details

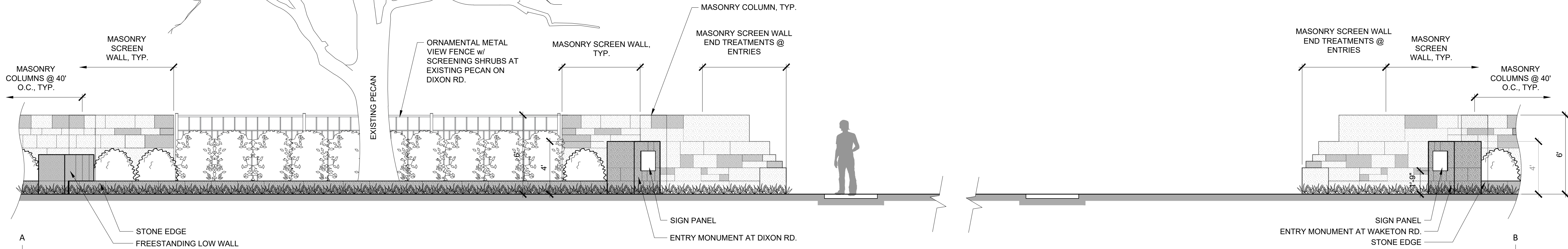
project number 210002
date 09/27/2021
sheet



SEE MONUMENT SIGN AT WAKETON FOR SIMILAR NOTES

NOTE:
1. DIMENSIONS AND MATERIALS SHOWN IN DETAILS ARE PROVIDED TO SHOW GENERAL DESIGN INTENT, AND AS A BASIS FOR THE CONTRACTOR'S STRUCTURAL ENGINEER TO PROVIDE SEALED SHOP DRAWINGS FOR REVIEW.
2. SUBMIT ENGINEERED SHOP DRAWINGS FOR STRUCTURAL DESIGN OF WALL, FOOTINGS, WALL COLUMNS, ENHANCED COLUMNS.

02 MONUMENT SIGN AT DIXON LANE
SCALE: 1/2" = 1'-0"



EXISTING TREE NOTE:
SPECIMENT TREE SHOWN TO BE REMOVED IN THE TREE SURVEY AND PRESERVATION PLAN & TREE INVENTORY, HOWEVER, WE WILL BE ATTEMPTING TO PRESERVE THE TREE.

NOTE:
1. DIMENSIONS AND MATERIALS SHOWN IN DETAILS ARE PROVIDED TO SHOW GENERAL DESIGN INTENT, AND AS A BASIS FOR THE CONTRACTOR'S STRUCTURAL ENGINEER TO PROVIDE SEALED SHOP DRAWINGS FOR REVIEW.
2. SUBMIT ENGINEERED SHOP DRAWINGS FOR STRUCTURAL DESIGN OF WALL, FOOTINGS, WALL COLUMNS, ENHANCED COLUMNS.

01 DIXON LANE ENTRY ELEVATION
SCALE: 1/4" = 1'-0"



landscape architecture
PO Box 38415
Dallas, Texas 75238
972.855.8705



client
Toll Southwest LLC
Mike Boswell
2555 SW Grapevine Parkway,
Suite 100
Grapevine, TX 76051

DIXON TRACT
TOWN OF FLOWER MOUND
DENTON COUNTY, TX
CONCEPTUAL LANDSCAPE / SCREENING PLAN

issue
05.10.2021 City Submittal
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09.27.2021 City Submittal

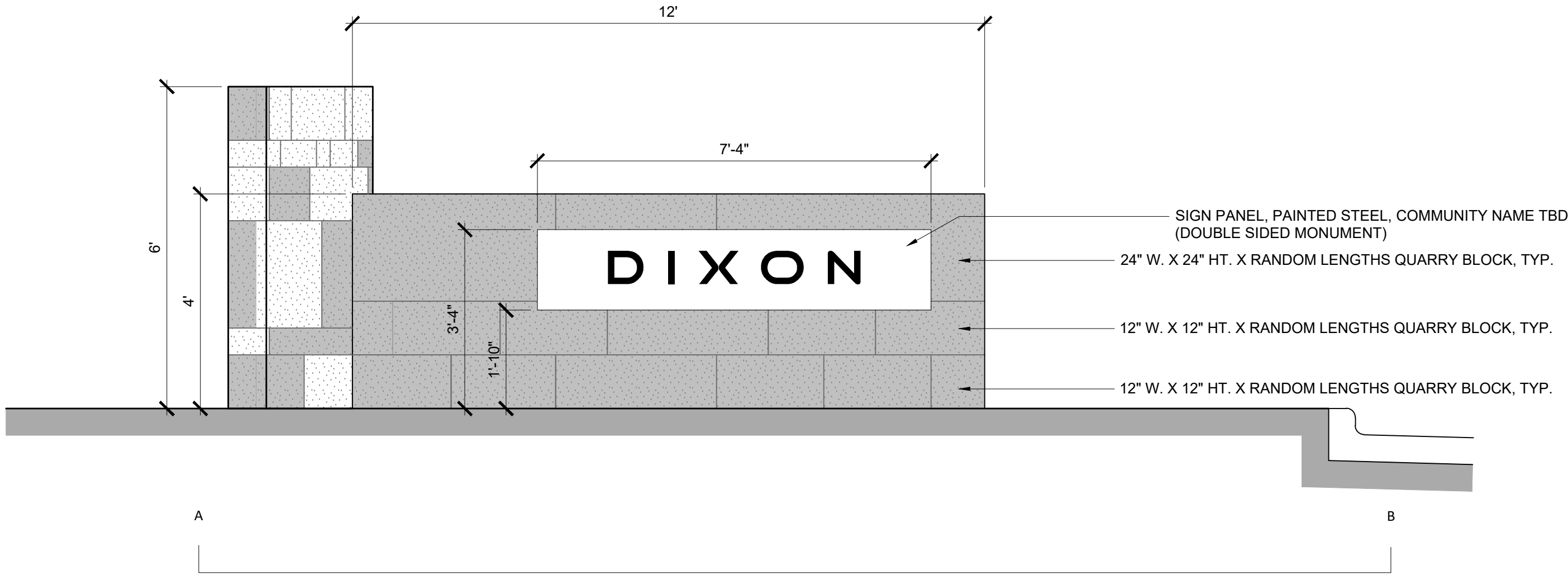
revisions

title
Hardscape Details

project number 210002
date 09/27/2021
sheet

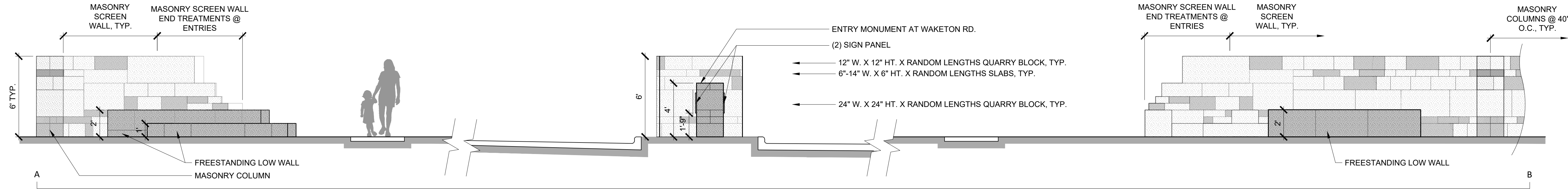
PRODUCT & FURNISHING SCHEDULE

QTY	DESCRIPTION	MANUFACTURER/ SUPPLIER	MODEL	FINISH/COLOR	CONTACT	REMARKS/ SUBMITTALS
2	Trash Receptacle	TEXACRAFT	TBA		Jerry Leigh 800-231-9790 jleigh@texacraft.com	Install per manuf. recommendations.
3	Bench		TBA			
3	Tables		TBA			
1	Playscape 'A'	All People Can Play	TBD		Angela Roberts 1-888-401-6446 angela.roberts@apcplay.com	Fall surface approximatly 34' x 35'; ages 5-12; Install per manuf. Recommendations
1	Playscape 'B'		TBD			Fall surface approximatly 25' x 27'; ages 2-5; Install per manuf. Recommendations



NOTE:
1. DIMENSIONS AND MATERIALS SHOWN IN DETAILS ARE PROVIDED TO SHOW GENERAL DESIGN INTENT, AND AS A BASIS FOR THE CONTRACTOR'S STRUCTURAL ENGINEER TO PROVIDE SEALED SHOP DRAWINGS FOR REVIEW.
2. SUBMIT ENGINEERED SHOP DRAWINGS FOR STRUCTURAL DESIGN OF WALL, FOOTINGS, WALL COLUMNS, ENHANCED COLUMNS.

02 MONUMENT SIGN AT WAKETON ROAD
SCALE: 1/2" = 1'-0"



NOTE:
1. DIMENSIONS AND MATERIALS SHOWN IN DETAILS ARE PROVIDED TO SHOW GENERAL DESIGN INTENT, AND AS A BASIS FOR THE CONTRACTOR'S STRUCTURAL ENGINEER TO PROVIDE SEALED SHOP DRAWINGS FOR REVIEW.
2. SUBMIT ENGINEERED SHOP DRAWINGS FOR STRUCTURAL DESIGN OF WALL, FOOTINGS, WALL COLUMNS, ENHANCED COLUMNS.

01 WAKETON ROAD ENTRY ELEVATION
SCALE: 1/4" = 1'-0"

PLANTING SHEDULE

MITIGATION TREES					
PE	Carya illinoensis/ Native Pecan		6" OR 4"		
BO	Quercus marcoparpa / Bur Oak		6" OR 4"		
WO	Quercus nigra / Water Oak		6" OR 4"		
SO	Quercus shumardi / Shumard Oak		6" OR 4"		
PO	Quercus stellata / Post Oak		6" OR 4"		
TRO	Quercus texana / Texas Red Oak		6" OR 4"		
WE	Ulmus alata / Winged Elm		6" OR 4"		
CE	Ulmus crassifolia / Cedar Elm		6" OR 4"		
SE	Ulmus rubra / Slippery Elm		6" OR 4"		
TOTAL:					
LANDSCAPE BUFFER TREES					
PEC	Carya illinoensis/ Native Pecan		6"		
BC	Taxodium distichum / Bald Cypress		6"		
JE	Juniperus virginiana/ Eastern Red Cedar		6"		
EO	Quercus fusiformis / Escarpment Live Oak		6"		
BO	Quercus marcoparpa / Bur Oak		6"		
CO	Quercus muehlenbergii/ Chinquapin Oak		6"		
WO	Quercus nigra / Water Oak		6"		
MO	Quercus polymorpha/ Monterrey Oak		6"		
SO	Quercus shumardi / Shumard Oak		6"		
TRO	Quercus texana / Texas Red Oak		6"		
LO	Quercus virginiana/ Live Oak		6"		
WI	Ulmus alata / Winged Elm		6"		
AE	Ulmus americana / American Elm		6"		
CE	Ulmus crassifolia / Cedar Elm		6"		
LE	Ulmus parvifolia / Lacebark Elm		6"		
TOTAL:					
TURF					
TURF	Cynodon dactylon/ Common Bermuda Grass				

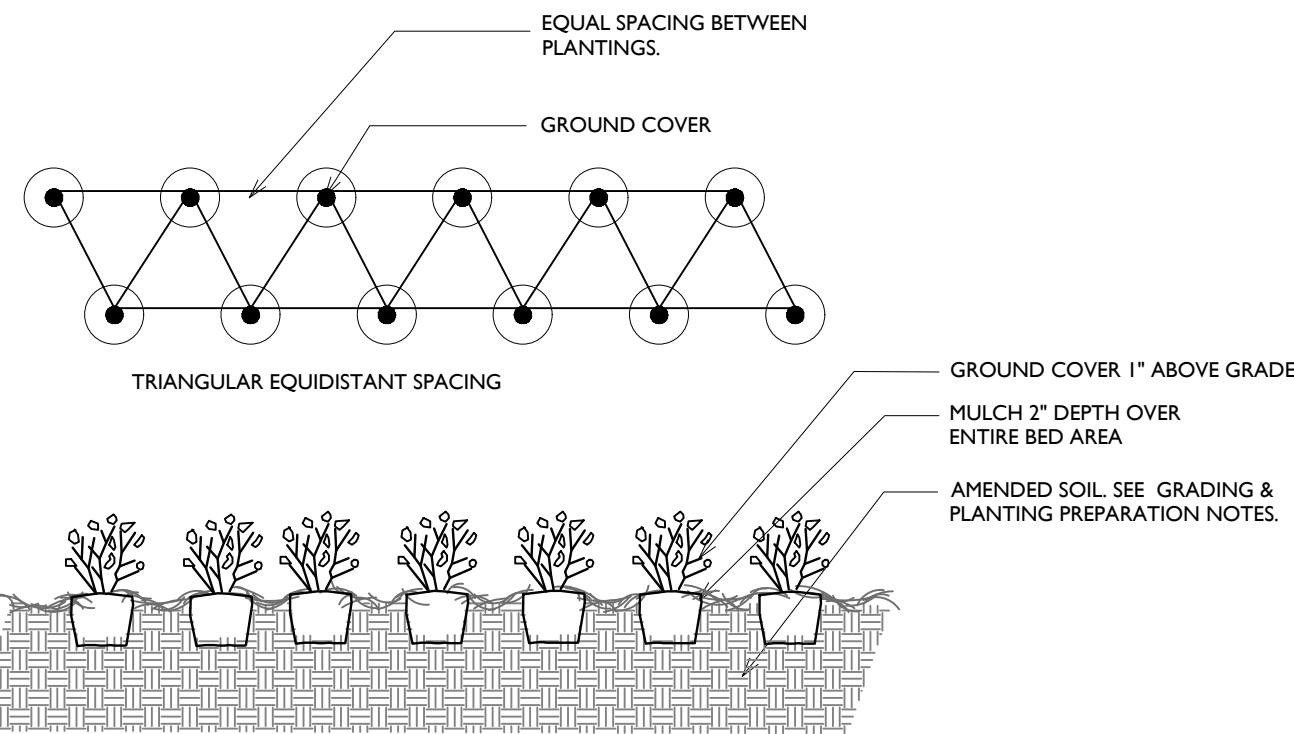
NOTE: All landscape buffer trees, and mitigation trees to be selected from the above list.

All proposed landscape areas to be fully irrigated

MITIGATION SUMMARY							
A	B	C	D	E	F	G	H
Required Mitigation (inches)	Preservation Credits	Preservation Credits (B X 3 inches)	Total Mitigation Inches Required (A-C)	Total Mitigation Provided (Inches)	Total Mitigation Provided (Trees)	Excess / Shortage (D-E)	Escrow Fee
854	19	57	797	400	12 - 6" Caliper Mitigation Trees 6" X 12=72" 73 - 4" Caliper Mitigation Trees 4" X 73= 292" 13 - 6" Caliper Trees Landscape Buffer / Mitigation Trees 3" X 13= 36"	(397)	\$ -

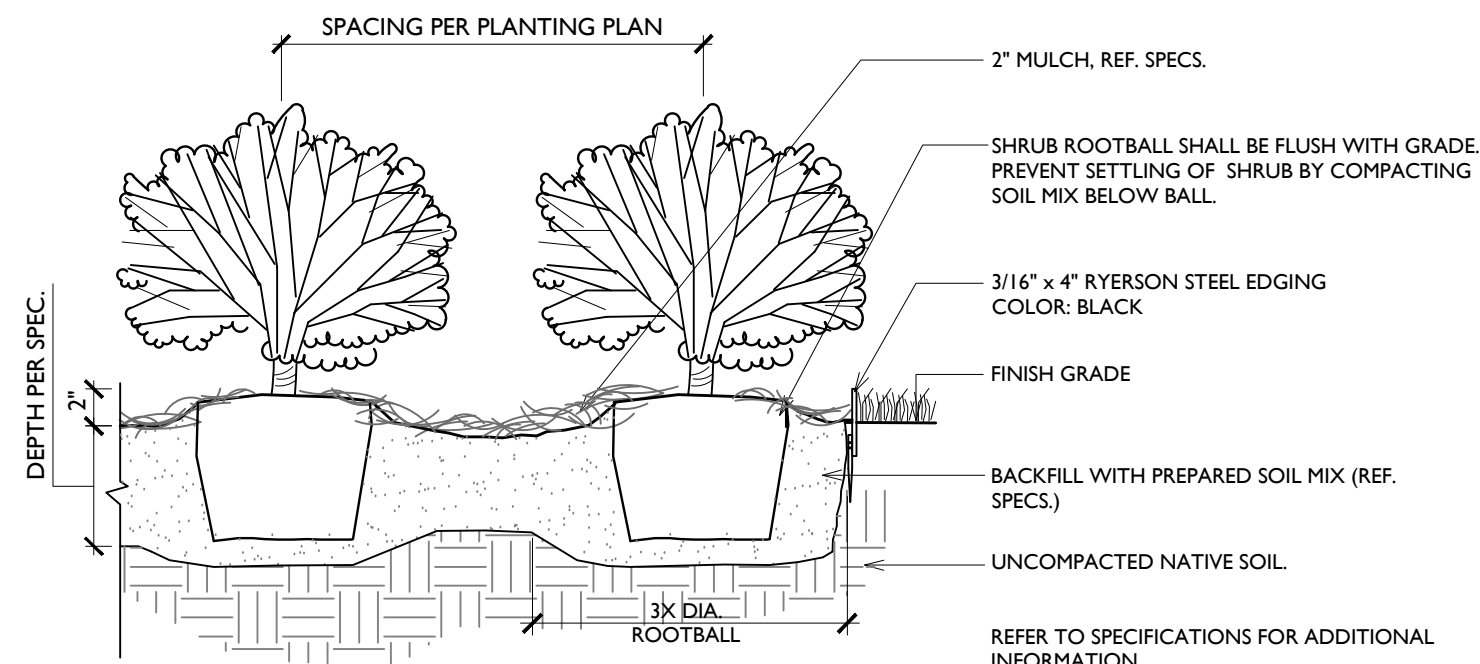
NOTE: Due to the preliminary nature of these drawings, trees provided for mitigation of removed trees is subject to change.

LANDSCAPE TABULATION CHART				
Street Buffer Landscape				
Street	Required	Provided		
Dixon Lane	15' Buffer	15' Buffer		
Waketon Road	15' Buffer	15' Buffer		
Street Buffer Trees				
Street	Linear Frontage	Standard	Required	Provided
Dixon Lane	377 LF	1 per 30 LF	13 Canopy Trees	* Potential for preserving Specimen Tree Tree # 6516 which reduce requirement for (1) buffer tree.
Waketon Road	78 LF	1 per 30 LF	3 Canopy Trees	0 - Canopy Trees 4 - Preserved Protected Trees Tree #'s 6632, 6633, 6634, 6635



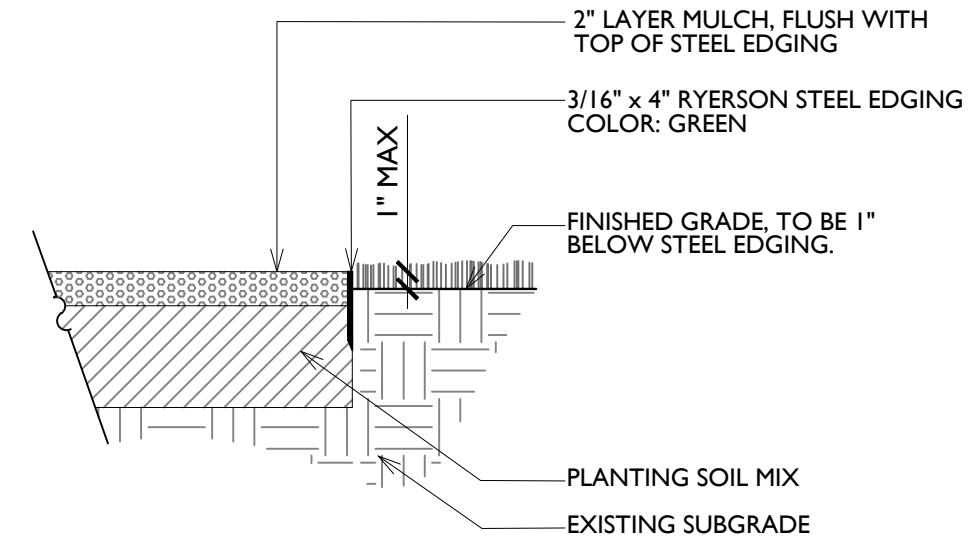
05 GROUND COVER PLANTING

N.T.S.



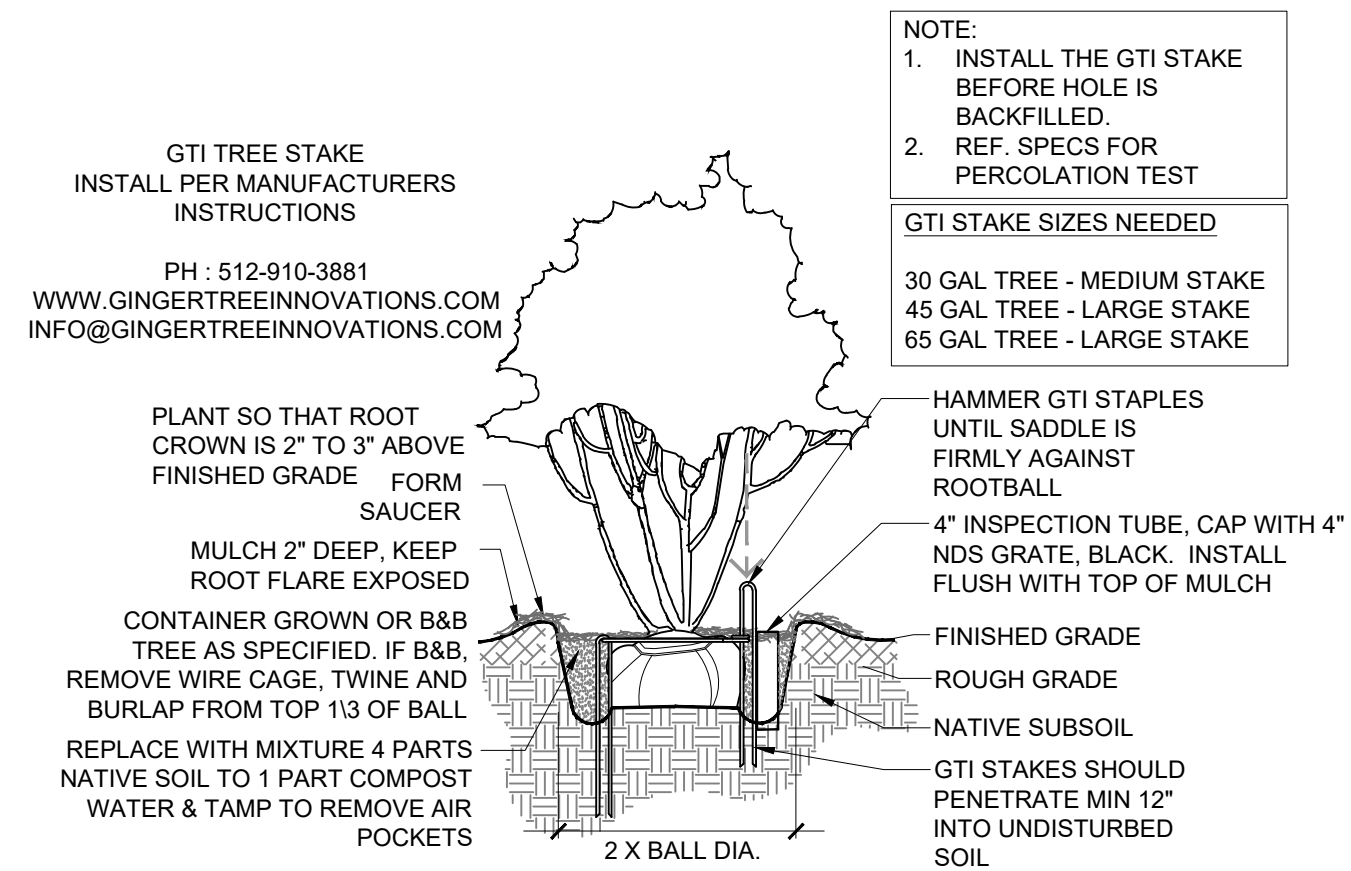
04 SHRUB & PERENNIAL BED PLANTING

N.T.S.



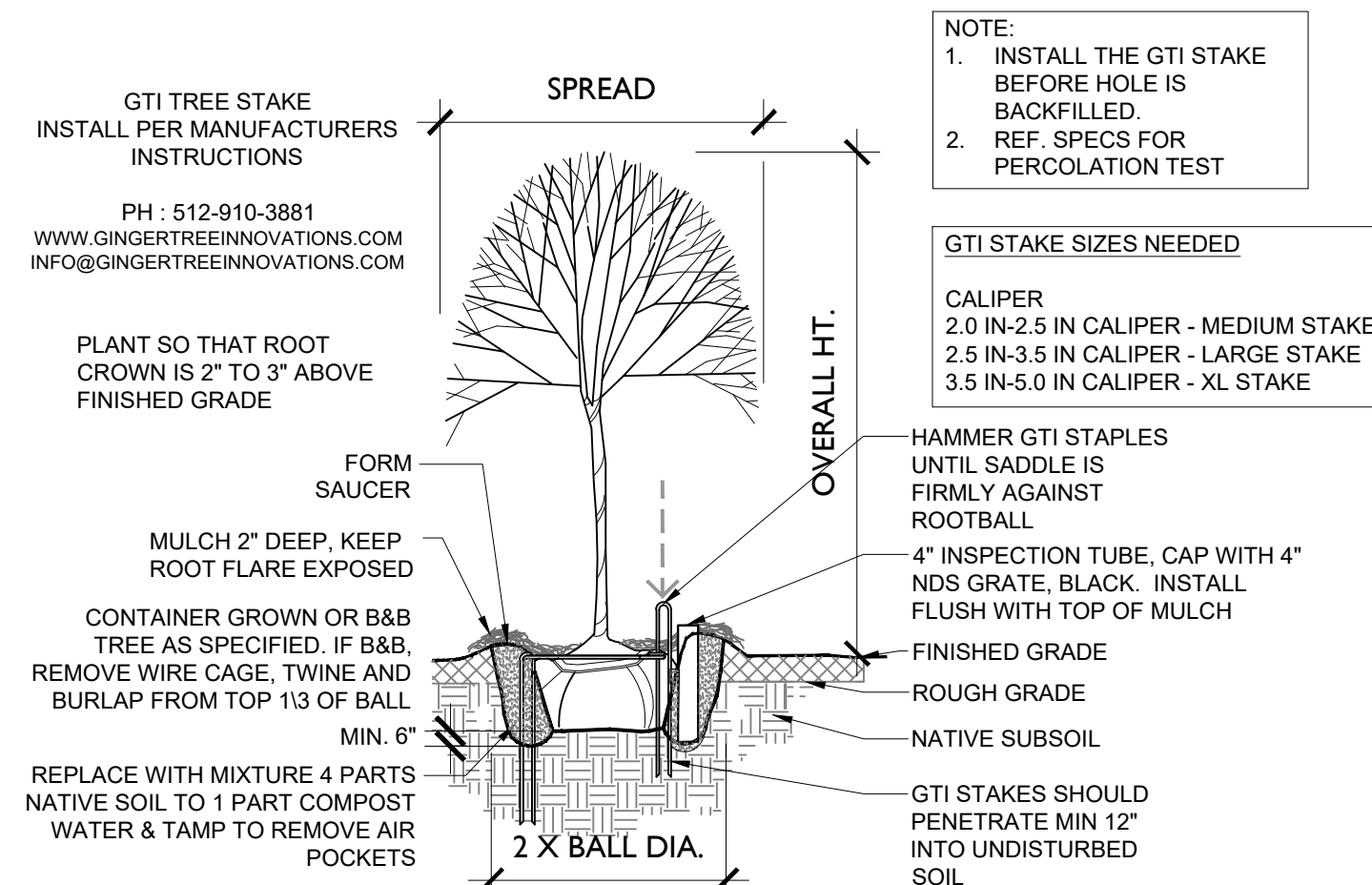
03 STEEL EDGE

N.T.S.



02 ORNAMENTAL TREE PLANTING

N.T.S.



01 CANOPY TREE PLANTING

N.T.S.



ENVIRONMENTAL CONSERVATION COMMISSION AGENDA ITEM NO. 3

REGULAR ITEM

DATE: November 2, 2021
FROM: James Hoefert, Environmental Review Analyst
PRESENTER: Justin Gilmore, with Level 5 Architecture
ITEM: **Consider an application for a tree removal permit (TRP21-0031) for nine (9) specimen trees on property proposed for development as Lusk Lane Soccer Complex. The property is generally located north of Cross Timbers Road and west of Lusk Lane.**

BACKGROUND INFORMATION:

The Lusk Lane Soccer Complex development is generally located north of Cross Timbers Road and west of Lusk Lane. The site is currently zoned for Agricultural (A) uses and master planned for the Cross Timbers Conservation Development District. The applicant is requesting a Specific Use Permit (SUP) for the Town to permit an amusement and recreation (outdoors) use. According to the tree survey for the project, the site contains eleven (11) specimen trees. The applicant is requesting to remove nine (9) of the specimen trees. The specimen trees proposed for removal are in good condition and located within the proposed buildable area.

The following is a list of the nine (9) specimen trees being requested for removal:

Tree #1012 – 25" post oak;
Tree #1022A – 22" post oak;
Tree #1044 – 32" post oak;
Tree #1055 – 23" post oak;
Tree #1086 – 23" post oak;
Tree #1090 – 27" post oak;
Tree #1104 – 28" post oak;
Tree #1109 – 24" post oak;
Tree #1199 – 24" post 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, 456" of replacement trees, equaling 152 three-inch caliper trees, will be required for the nine (9) specimen trees being requested for removal on this site. In addition, protected trees removed from the buildable area will also require replacement at a tree-for-tree rate. The developer is proposing to preserve existing protected and specimen 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.

CITIZEN FEEDBACK: As of October 28, 2021, staff has not received feedback related 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. Photographs of the specimen trees proposed for removal.
4. Photographs of approved signage onsite.
5. Tree Survey.
6. Landscape Plan.

RECOMMENDATION: Move to recommend approval or denial of the requested permit for the removal of nine (9) specimen trees on property proposed for development as Lusk Lane Soccer Complex. The property is generally located north of Cross Timbers Road and west of Lusk Lane.



Lusk Lane Soccer Park

Tree Removal Permit LOI

October 14, 2021

To Whom it May Concern:

The specimen trees on the Lusk Lane Soccer Park property are summarized in the table below.

PLANTING SCHEDULE - SPECIMEN				
TREE #	DESCRIPTION	DBH	SAVE/REMOVE	LOCATION
1012	POST OAK	25.00"	REMOVE	BUFFER
1022A	POST OAK	22.00"	REMOVE	BUILDING AREA
1044	POST OAK	32.50"	REMOVE	BUILDING AREA
1055	POST OAK	23.00"	REMOVE	BUILDING AREA
1086	POST OAK	23.00"	REMOVE	BUILDING AREA
1090	POST OAK	27.00"	REMOVE	BUFFER
1104	POST OAK	28.50"	REMOVE	BUFFER
1109	POST OAK	24.00"	REMOVE	BUILDING AREA
1199	POST OAK	24.00"	REMOVE	BUILDING AREA
REMOVE: 9		229.00"		
1179	POST OAK	22.00"	SAVE	BUILDING AREA
1245	POST OAK	34.00"	SAVE	BUFFER
SAVE: 2		56.00"		
TOTAL: 11		285.00"		

Regards,

Justin Gilmore, AIA
Level 5 Architecture



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:

BRANDON H. BAKER, PLA

Address:

1755 N. COLLINS BLVD

SUITE 300

RICHARDSON, TX 75080

Phone:

972-690-7474

Applicant's Legal Interest in the Property:

CONSULTANT OF LANDSCAPE ARCHITECTURE

2. Property Owner(s)

Name(s):

BRIAN PAPE

Address:

P.O. BOX 271447

FLOWER MOUND, TX 75027

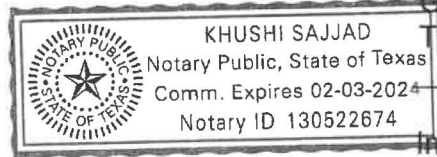
3. Location and Legal Description of Property:

4. Owner's Authorization of Representation

I, BRIAN PAPE, the owner of the above described real property, do hereby authorize BRANDON H. BAKER 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.

B. Pape

Signature of Owner



Given Under My Hand and Seal of Office
This the 21 Day of September, 2021

Khushi Sajjad
Notary Public
In and For Denton County, Texas.

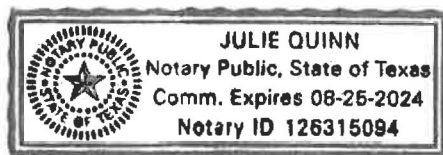
5. Applicants Affidavit- Note: Applicant must be an ISA certified arborist, certified forester, or a registered landscape architect.

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

Brandon H. Baker

Signature of Applicant

Landscape Architect License No. 2485
State of Licensure TEXAS
Or ISA Certified Arborist No. _____
Or Certified Forester No. _____



Given Under My Hand and Seal of Office
This the 20 Day of September, 2021

Julie Quinn
Notary Public
In and For Dallas County, Texas

6. Received by Town of Flower Mound on (Date) 9/28/2021 by
(initials) JRH

Lusk Lane Soccer Complex -
Specimen trees proposed for removal

Tree #1012 – 25" post oak



Tree #1022A – 22" post oak



Tree #1044 – 32" post oak



Tree #1055 – 23" post oak





Tree #1199 – 24" post oak



Tree Removal Request Signage

Along Lusk Lane



ISSUES:

① 04-26-21 ISSUE FOR PERMIT

REVISIONS:

△ 06-04-21 PER CITY COMMENTS

△ 08-19-21 PER CITY COMMENTS

CLIENT:

LEVEL 5 DESIGN GROUP
108 S. Main Street
Mansfield, TX 76063
Contact: Mr. Justin Gilmore

LUSK LANE SOCCER PARK FLOWER MOUND, TEXAS

mbg
landscape
architects

MECKS DESIGN GROUP, INC.
1755 N. COLLINS BLVD., SUITE 300
RICHARDSON, TX 75080
PH (972) 6907474
F (972) 6907878



ISSUE FOR PERMIT

LUSK LANE SOCCER PARK

FLOWER MOUND, TEXAS

JOB NUMBER: LEV-2103

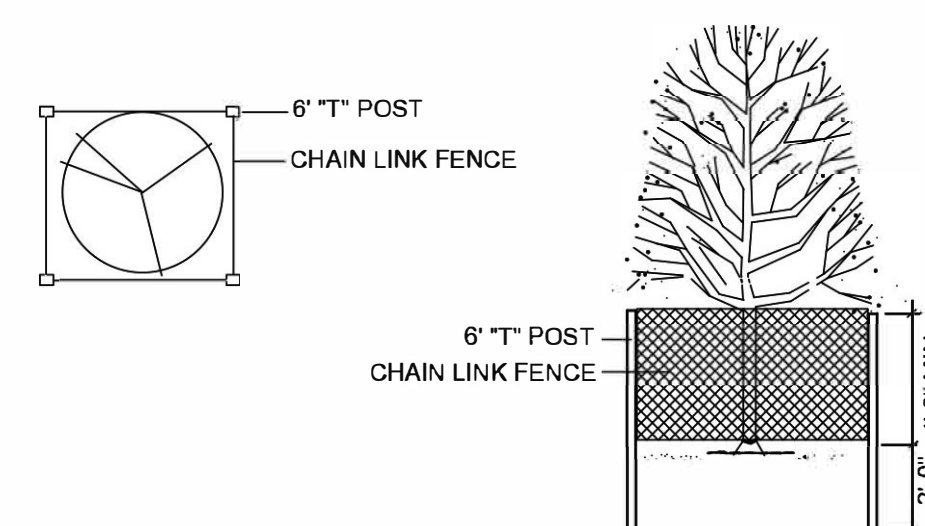
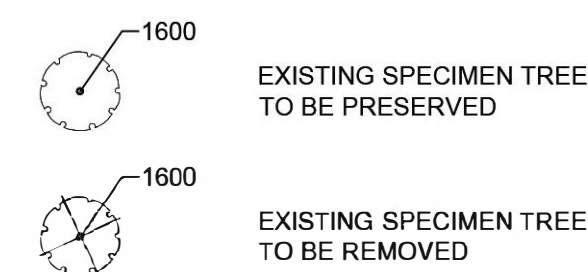
TREE SURVEY & MITIGATION PLAN

TS-1

MITIGATION CALCS

TOTAL INCHES ON SITE	3,537 INCHES
TOTAL PROTECTED INCHES ON SITE (273 TREES)	3,200 INCHES
TOTAL SPECIMEN INCHES ON SITE (11 TREES)	285 INCHES

TREE LEGEND



NOTE:
A PROTECTIVE BARRIER, BEGINNING AT THE OUTSIDE OF THE
DRIPLINE OF THE TREE TO PROTECT THE ROOT ZONE
SHALL BE ERECTED AND MAINTAINED UNTIL CONSTRUCTION
IS COMPLETED.

2 TREE PROTECTION FENCING

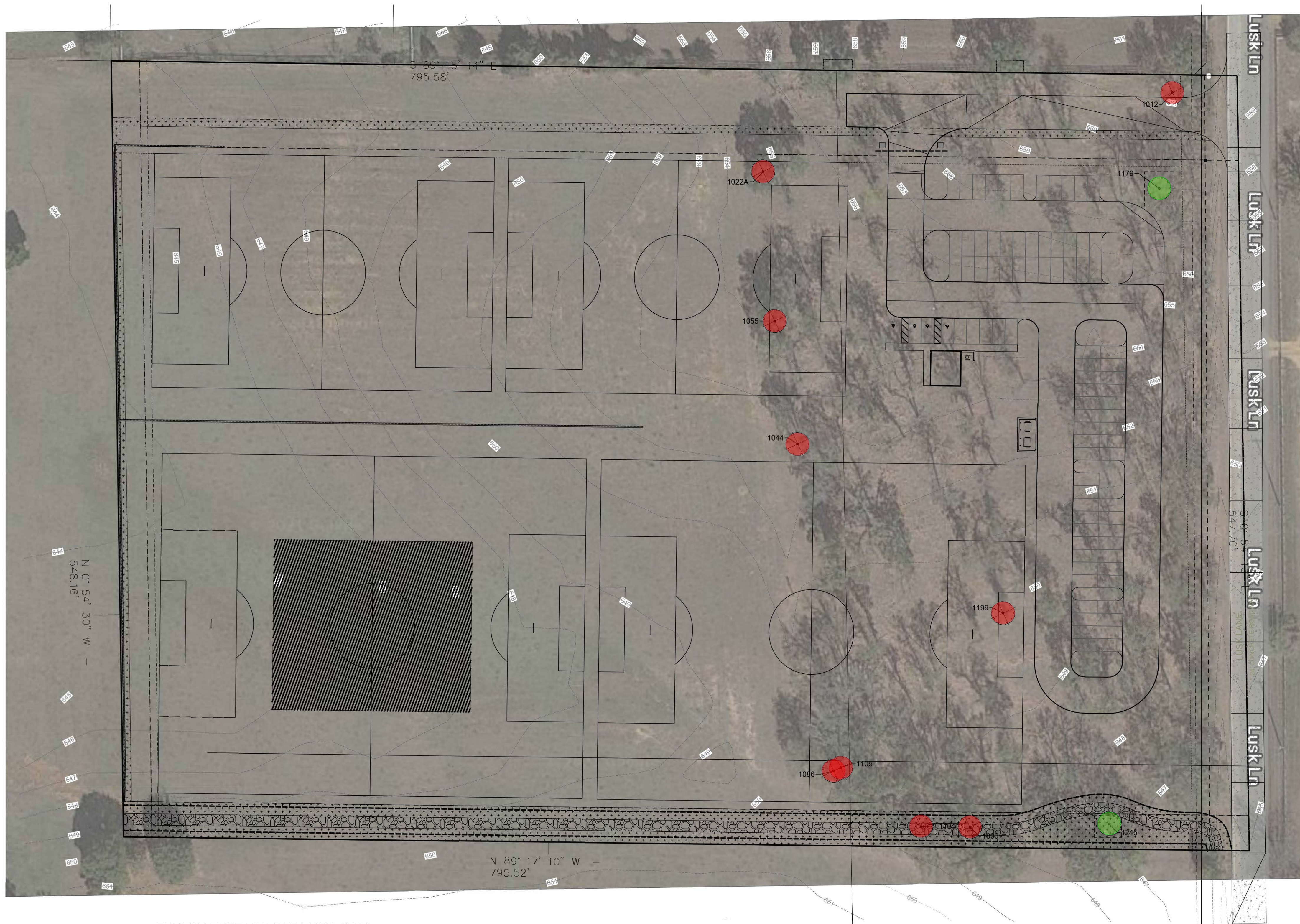
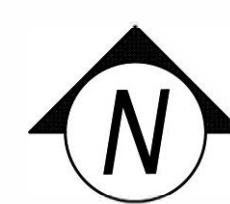
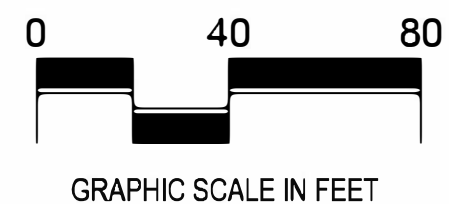
TREE PROTECTION NOTES

THE FOLLOWING TREE PROTECTION MEASURES SHALL BE REQUIRED:

- PRIOR TO ANY AND ALL CONSTRUCTION OR LAND DEVELOPMENT ACTIVITY, THE DEVELOPER OR PROPERTY OWNER SHALL INSTALL FOUR-FOOT-HIGH PLASTIC (OR EQUIVALENT) SAFETY FENCING AROUND THE DRIP LINE OF PROTECTED TREES AND SIX-FOOT-HIGH CHAIN-LINK FENCING AROUND THE DRIP LINE OF SPECIMEN AND HISTORIC TREES.
- PRIOR TO ANY AND ALL CONSTRUCTION OR LAND DEVELOPMENT ACTIVITY, THE DEVELOPER OR PROPERTY OWNER SHALL ESTABLISH DESIGNATED PARKING AREAS FOR THE PARKING AND MAINTENANCE OF ALL VEHICLES, TRAILERS, CONSTRUCTION EQUIPMENT AND RELATED ITEMS, DESIGNATED STOCKPILE AREAS FOR THE STORAGE OF CONSTRUCTION SUPPLIES AND MATERIALS DURING CONSTRUCTION OF THE SUBDIVISION AND DESIGNATED DRIVE AREAS FOR VEHICLES AND EQUIPMENT. THE LOCATION AND DIMENSIONS OF SUCH DESIGNATED AREAS SHALL BE CLEARLY IDENTIFIED ON BOTH SUBDIVISION CONSTRUCTION AND SITE PLANS AND SHALL BE APPROVED BY THE TREE PRESERVATION AND ENFORCEMENT OFFICER OR AUTHORIZED DESIGNEE PRIOR TO ANY CONSTRUCTION OR LAND DEVELOPMENT ACTIVITY IN, ON OR ABOUT THE SUBDIVISION. SUCH DESIGNATED AREAS SHALL BE COMPLETELY FENCED WITH CHAIN-LINK FENCING AND GATES FOR SAFETY PURPOSES AND TO SEPARATE PROTECTED, SPECIMEN, OR HISTORIC TREES FROM THE CONSTRUCTION AREA AND RELATED CONSTRUCTION ACTIVITY. WITH THE APPROVAL OF THE TREE PRESERVATION AND ENFORCEMENT OFFICER OR AUTHORIZED DESIGNEE, THE DESIGNATED PARKING AND STOCKPILE AREAS MAY BE COMBINED INTO ONE FENCED AREA, PROVIDED THAT THE PRESERVATION OF PROTECTED TREES IS NOT ADVERSELY AFFECTED OR JEOPARDIZED, SUPPLIES AND PIPE AND OTHER ITEMS THAT ARE CUSTOMARILY UNLOADED WHERE INSTALLED SHALL NOT BE REQUIRED TO BE STORED WITHIN THE DESIGNATED STOCKPILE AREAS. SITES APPROVED FOR TEMPORARY BATCHING PLANT PERMITS SHALL BE FENCED AND GATED IN THE SAME MANNER AS DESIGNATED PARKING AND STOCKPILE AREAS. TEMPORARY BATCHING PLANT PERMITS SHALL ALSO BE REQUIRED FOR THE OPERATION OF ALL BATCHING PLANTS, PURSUANT TO THE REGULATIONS OF THIS CHAPTER.
- DURING CONSTRUCTION, THE DEVELOPER OR PROPERTY OWNER SHALL PROHIBIT THE CLEANING OF EQUIPMENT OR MATERIALS AND/OR THE DISPOSAL OF ANY WASTE MATERIAL, INCLUDING, BUT NOT LIMITED TO, PAINT, OIL, SOLVENTS, ASPHALT, CONCRETE, MORTAR, ETC., UNDER THE CANOPY OR DRIP LINE OF ANY PROTECTED, SPECIMEN, OR HISTORIC TREE OR GROUP OF SUCH TREES.
- NO ATTACHMENTS OR WIRES OF ANY KIND, OTHER THAN THOSE OF A PROTECTIVE NATURE, SHALL BE ATTACHED TO ANY PROTECTED TREE(S).
- WITH MAJOR GRADE CHANGES OF SIX INCHES OR GREATER, A RETAINING WALL OR TREE WELL OF ROCK, BRICK, LANDSCAPE TIMBERS OR OTHER APPROVED MATERIALS SHALL BE CONSTRUCTED AROUND THE TREE NO CLOSER THAN THE DRIP LINE OF THE TREE. THE TOP OF THE RETAINING WALL OR TREE WELL SHALL BE CONSTRUCTED AT THE NEW GRADE.
- UNLESS OTHERWISE APPROVED BY THE TOWN, NO CONSTRUCTION OR CONSTRUCTION-RELATED ACTIVITY SHALL OCCUR UNDER THE CANOPY OR DRIP LINE OF ANY PROTECTED, SPECIMEN, OR HISTORIC TREE OR GROUP OF SUCH TREES.
- ANY TREE(S) REMOVED DURING LAND DEVELOPMENT, CONSTRUCTION OR CONSTRUCTION-RELATED ACTIVITIES SHALL BE CHIPPED OR HAILED OFF SITE. BURNING OF REMOVED TREES IS PROHIBITED UNLESS PRIOR APPROVAL IS GIVEN BY THE TOWN'S FIRE MARSHAL.
- THE TREE PRESERVATION AND ENFORCEMENT OFFICER OR AUTHORIZED DESIGNEE MAY REQUIRE ADDITIONAL PROTECTION MEASURES OR BEST MANAGEMENT PRACTICES AS NEEDED ON A CASE BY CASE BASIS TO ADEQUATELY PROTECT PROTECTED, SPECIMEN, HISTORIC TREES, OR TREES REQUIRED AS PART OF AN APPROVED LANDSCAPE PLAN.

TREE SURVEY & MITIGATION

SCALE: 1" = 40'-0"



EXISTING TREE LIST (SPECIMEN ONLY)

TREE #	DBH (INCHES)	CAL HEIGHT	TYPE	CONDITION	SAVE/REMOVE	CATEGORY	LOCATION
1012	25		POST OAK	GOOD	REMOVE	SPECIMEN	BUFFER
1022A	22	2' HT	POST OAK	GOOD	REMOVE	SPECIMEN	BUILDABLE AREA
1044	32.5		POST OAK	GOOD	REMOVE	SPECIMEN	BUILDABLE AREA
1055	23		POST OAK	GOOD	REMOVE	SPECIMEN	BUILDABLE AREA
1086	23	4.5' HT.	POST OAK	GOOD	REMOVE	SPECIMEN	BUILDABLE AREA
1090	27	2' HT.	POST OAK	GOOD	REMOVE	SPECIMEN	BUFFER
1104	28.5		POST OAK	GOOD	REMOVE	SPECIMEN	BUFFER
1109	24	2' HT.	POST OAK	GOOD	REMOVE	SPECIMEN	BUILDABLE AREA
1179	22		POST OAK	GOOD	SAVE	SPECIMEN	BUILDABLE AREA
1199	24	1.5' HT.	POST OAK	GOOD	REMOVE	SPECIMEN	BUILDABLE AREA
1245	34	2' HT.	POST OAK	GOOD	SAVE	SPECIMEN	BUFFER
	285						

ISSUES:

① 04-26-21 ISSUE FOR PERMIT

②

③

④

REVISIONS:

△ 06-04-21 PER CITY COMMENTS

△ 08-19-21 PER CITY COMMENTS

△ 09-15-21 PER CITY COMMENTS

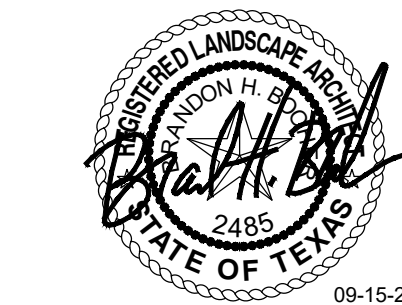
△

CLIENT:

LEVEL 5 DESIGN GROUP
108 S. Main Street
Mansfield, TX 76063
Contact: Mr. Justin Gilmore

LUSK LANE
SOCCER PARK
FLOWER MOUND, TEXAS

landscape architects
MECKS DESIGN GROUP, INC.
1755 N. COLLINS BLVD., SUITE 300
RICHARDSON, TX 75080
PH (972) 690-7474
F (972) 690-7878



ISSUE FOR
PERMIT

LUSK LANE SOCCER PARK

FLOWER MOUND, TEXAS

JOB NUMBER: LEV-2103

CONCEPTUAL
LANDSCAPE PLAN

LP0.01

LANDSCAPE REQUIREMENTS

STREET YARD LANDSCAPE:			
STANDARD	TOTAL STREET YARD	REQUIRED	PROVIDED
MIN. 50% OF STREET YARD	13,889 S.F.	6,945 S.F.	12,916 S.F. (93%)
STREET YARD TREES:			
STANDARD	TOTAL STREET YARD	REQUIRED	PROVIDED
1 TREE PER 1,000 S.F. OF STREET YARD	13,889 S.F.	14 TREES	68 EXISTING TREES
STREET BUFFER LANDSCAPE:			
STREET NAME	LINEAR FEET	REQUIRED BUFFER	PROVIDED
LUSK LANE	548 L.F.	25 FT.	25 FT.
FUTURE R.O.W./ ACCESS DRIVE	276 L.F.	15 FT.	15 FT.
STREET BUFFER TREES:			
STREET NAME	STANDARD	REQUIRED	PROVIDED
LUSK LANE	1 PER 30 L.F.	18 TREES	18 EXISTING TREES
FUTURE R.O.W./ ACCESS DRIVE	1 PER 30 L.F.	27 TREES	22 TREES + 5 EXISTING TREES
PARKING AREA LANDSCAPE:			
STANDARD	NO. OF PARKING SPACES	REQUIRED	PROVIDED
90 S.F. PER 12 SPACES	76	570 S.F.	800+ S.F.
PARKING AREA TREES:			
STANDARD	NO. OF PARKING SPACES	REQUIRED	PROVIDED
1 TREE PER 10 PARKING SPACES	76	8 TREES	7 TREES + 6 EXISTING TREES
ALL PARKING TREES ARE LOCATED WITHIN 50 FT. OF A TREE			

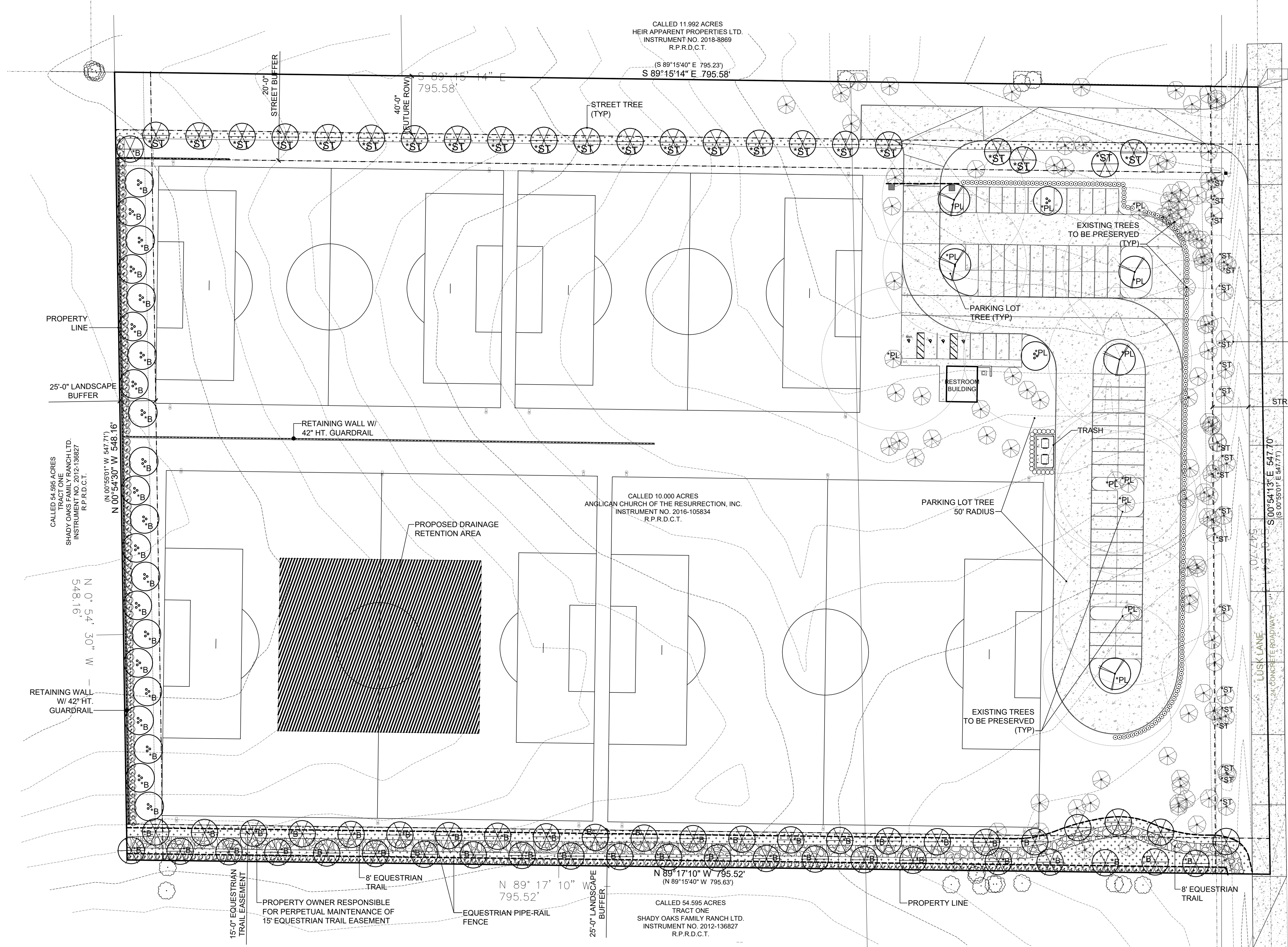
COMPATIBILITY BUFFER LANDSCAPING:

REQUIRED: 25' LANDSCAPED BUFFER W/ 1 TREE PER 400 S.F. BUFFER AREA
WEST PL: 9,782 S.F. / 400 = 24 TREES
SOUTH PL: 19,596 S.F. / 400 = 49 TREES

PROVIDED: 25' WIDE LANDSCAPED BUFFER
WEST PL: 24 TREES
SOUTH PL: 45 TREES + 4 EXISTING TREES

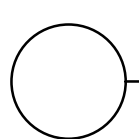
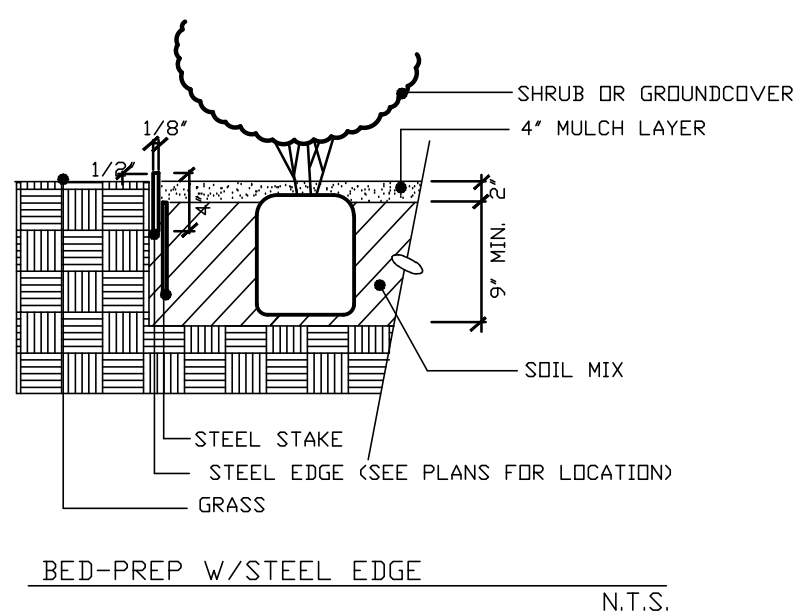
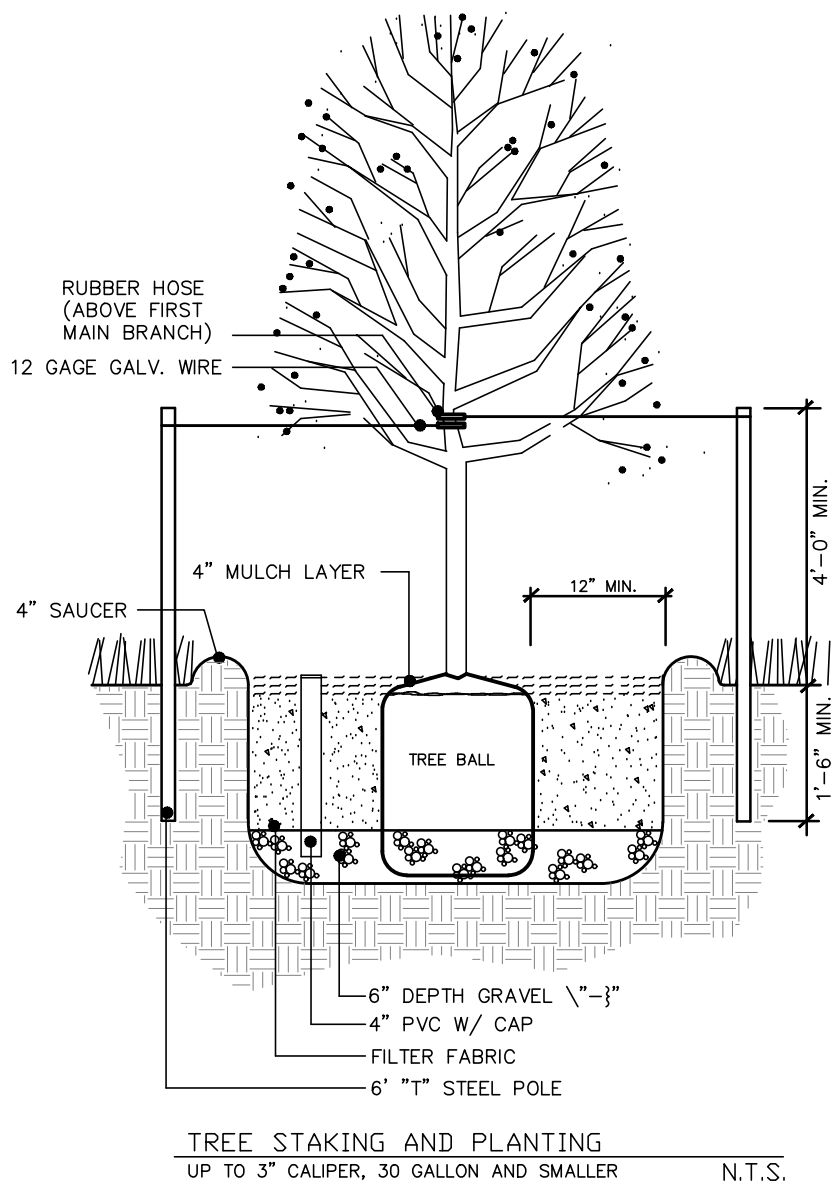
MAINTENANCE REQUIREMENTS:

- LANDSCAPED AREAS SHALL BE REASONABLY MAINTAINED BY THE OWNER OR THE LESSEE OF THE PROPERTY, INCLUDING PRUNING, TRIMMING, WATERING AND OTHER REQUIREMENTS NECESSARY TO CREATE AN ATTRACTIVE APPEARANCE FOR THE DEVELOPMENT.
- ANY PLANT MATERIAL NOT SURVIVING SHALL BE REPLACED WITHIN 30 DAYS OF ITS DEMISE. VARIANCES BECAUSE OF SEASONAL REQUIREMENTS CAN BE GRANTED BY THE TOWN MANAGER OR DESIGNATED REPRESENTATIVE.
- LACK OF MAINTENANCE OF REQUIRED LANDSCAPING MATERIAL SHALL CONSTITUTE A VIOLATION OF SUBPART B OF THIS CODE.



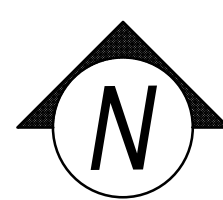
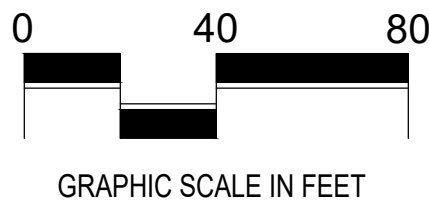
LANDSCAPE LEGEND

SYMBOL	PLANT NAME	SIZE/QTY
	SHUMARD OAK QUERCUS SHUMARDII	3" CAL. / 06 10'-12' HT.
	LIVE OAK QUERCUS VIRGINIANA	3" CAL. / 77 10'-12' HT.
	CEDAR ELM ULMUS CRASSIFOLIA	3" CAL. / 24 10'-12' HT.
	EVERGREEN SHRUB SCREEN NELLIE R STEVENS HOLLY	5 GAL. / 344 24" HT.
	EVERGREEN SHRUB SCREEN LORAPETALUM 'PLUM DELIGHT'	3 GAL. / 176 12"-15" HT.
	EVERGREEN SHRUB SCREEN DWF BURFORD HOLLY	3 GAL. / 18 12"-15" HT.
	EXISTING TREE TO BE PRESERVED (REF. TS-1 & TS-2 FOR TREE PRESERVATION/REMOVAL PLAN)	
*B	BUFFER TREE	
*PL	PARKING LOT TREE	
*ST	STREET TREE	



CONCEPTUAL LANDSCAPE PLAN

SCALE: 1" = 40'-0"





ENVIRONMENTAL CONSERVATION COMMISSION AGENDA ITEM NO. 4

WORK SESSION ITEM

DATE: November 2, 2021

FROM: James Hoefert, Environmental Review Analyst

ITEM: Discuss the Town's tree preservation regulations, environmental regulations, and the development application process.

BACKGROUND INFORMATION: This item will provide an overview of the Town's tree preservation regulations, environmental regulations, and the development application process. Items to be presented and discussed include an overview of the Town's current tree ordinance, application submittal process for both new residential and non-residential developments, SMARTGrowth Environmental review, tree mitigation fees (increased from \$125/cal. inch to \$200/cal. inch earlier this year) and go over the Town's landscape requirements for new developments. The Town also has new tree survey inspection fees, SMARTGrowth environmental survey review fees and public notification sign fees so those fees will be presented as well.

Specimen tree removal requests typically come before the Environmental Conservation Commission (ECC) early on during the development review process (typically during the Zoning phase). The tree preservation and enforcement officer is then responsible for reviewing the requested removal of any protected trees during the Record Plat phase of the development when complete engineering and associated grading plans are typically submitted.

During the initial application process for a new development, SMARTGrowth Analysis may also be necessary. At that time, Town staff will complete an Environmental Sensitive Area (ESA) survey and determine if an Environmental Protection Plan (EPP) is required. There could be ESA impacts for a new development, which could impact how a tree survey is completed, along with tree mitigation.

In addition to the items discussed above, this work session will provide Commission members with the opportunity to discuss other tree ordinance items.

ALTERNATIVES/OPTIONS: N/A

ATTACHMENTS:

1. Chapter 94 "Trees"

RECOMMENDATION: This item is for information and discussion purposes only; therefore, no action is required.

Subpart B - LAND DEVELOPMENT REGULATIONS
Chapter 94 TREES

Chapter 94 TREES¹

ARTICLE I. GENERALLY

Sec. 94-1. Purpose.

The terms and provisions of this chapter are intended to accomplish the following public purposes:

- (1) Establish rules and regulations for the protection and preservation of native and/or established trees within the town.
- (2) Encourage the preservation and replacement of the town's tree canopy by establishing a 35 percent canopy goal for the town as outlined in guidelines established by "American Forests," the nation's oldest nonprofit citizens' conservation organization.
- (3) Encourage the protection of healthy trees and provide for the replacement and/or replanting of trees that are necessarily removed during construction, development or redevelopment.
- (4) Provide for the preservation and protection of larger native and/or established trees, which provide a valuable amenity to the urban environment and which, once destroyed, can only be replaced after generations, if at all.
- (5) Provide for shade, windbreaks and the cooling of air; thereby, reducing the requirements for air conditioning and heating and the utilization of scarce energy sources.
- (6) Provide for open space and more efficient drainage of land; thereby, reducing the effects of soil erosion and the need for additional drainage facilities.
- (7) Reduce the clear-cutting of land.
- (8) Preserve the country atmosphere and natural environment that define the community character of the town and make it a unique and desirable community.
- (9) Mitigate the ill effects of rapid and intense urbanization.

(Ord. No. 63-08, § 3(94-1), 10-6-2008)

¹Editor's note(s)—Ord. No. 63-08, § 3, adopted Oct. 6, 2008, repealed the former Ch. 94, Art. I, Art. II, Div. 1, Subdiv. I, Subdiv. II, §§ 94-71—94-73, Subdiv. III, §§ 94-91—94-94, Div. 3, §§ 94-121—94-128, Div. 4, Subdiv. I, §§ 94-151—94-156, Subdiv. II, §§ 94-181—94-183, Subdiv. III, §§ 94-201, 94-202, Subdiv. IV, §§ 94-221, 94-222, Subdiv. V, §§ 94-241, 94-242 and enacted a new Ch. 94 as set out herein. The former Ch. 94 pertained to vegetation and derived from Code 1989, ch. 12, § 5.03(e)(1)—(e)(8), ch. 12, §§ 5.08(a)—(d), ch. 12, §§ 5.08(e)(1)—(e)(3), ch. 12, § 5.08(f)(1), (f)(2), ch. 12, §§ 5.08(g)(1), (g)(2), ch. 12, §§ 5.08(h)—(k), ch. 12, § 6.15(a)(1), (2), ch. 12, §§ 6.15(b)(1)—(b)(3), ch. 12, § 6.15(c); Ord. No. 12-00, §§ 2, 6, 2-17-2000; Ord. No. 101-02, § 1, 12-16-2002.

Sec. 94-2. Applicability of chapter provisions.

The terms and provisions of this chapter shall apply to real property within the town's corporate limits and extraterritorial jurisdiction as follows:

- (1) All real property upon which any protected, specimen, or historic tree is located, excluding property that has already been developed for single-family and two-family residential uses.
- (2) All vacant and undeveloped real property.
- (3) All real property to be subdivided or re-subdivided, including record plats and replats.
- (4) The yard areas of all developed property, excluding property already developed for single-family and two-family residential uses.

(Ord. No. 63-08, § 3(94-2), 10-6-2008)

Secs. 94-3—94-12. Reserved.

ARTICLE II. MEASUREMENT

Sec. 94-13. Landscape, nursery, or replacement trees.

Unless specified otherwise, tree caliper (diameter) or circumference shall be measured at a height of 12 inches above ground level. The caliper of multi-trunk trees shall be measured by determining the diameter or circumference of the largest trunk at full caliper added to one-half of the diameter or circumference of each remaining trunk, measured at a height of 12 inches above ground level.

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

Sec. 94-14. Existing, established, and/or native trees.

The caliper or circumference of existing, established, and/or native trees shall be measured in accordance with the measuring rules and procedures as developed and updated by the Texas Forest Service. A copy of these procedures shall be made available for review in the office of the tree preservation and enforcement officer. The current procedure is outlined below.

- (1) *Caliper width or circumference.*

General rule: Measure the smallest trunk caliper width or circumference between the diameter at breast height ("DBH") point (4.5 feet) and the ground, but below the lowest fork. Also record the height above the ground, in inches, where the measurement was taken.

- (2) *Determining DBH point.*

Tree on slope: Measure up 4.5 feet along the axis of the trunk on both the high and low sides of the trunk; DBH point is midway between these two planes.

Leaning tree: Measure 4.5 feet along both the top and under sides of the trunk; DBH point is midway between these two planes.

Low branches: When determining where on the trunk to measure circumference, ignore portions of the tree that do not form part of the tree's crown, such as dead branches or forks, and epicormic sprouts.

Obstruction at DBH: If there is a bump, burl, branch, or other obstruction at the DBH point, measure the circumference of the trunk above and below the obstruction and record the smaller value. A buttress that forms between the trunk and root system as a natural feature of the species (e.g.—bald cypress, water tupelo) should not be considered an obstruction.

- (3) *Multiple trees.* In practice, it must be determined whether a tree has a single trunk, or whether it represents two or more stems growing very close to one another. Trunks that have clear separation or included bark at or near the ground line should be considered separate trees; trunks of different species should also be considered separate stems, no matter how closely aligned. When following the measurement rules above, if the point below the lowest fork places the measurement at the ground line, the stems should be considered and measured as separate.

(Ord. No. 63-08, § 3(94-4), 10-6-2008)

Secs. 94-15—94-20. Reserved.

ARTICLE III. PRESERVATION

Sec. 94-21. Tree designations.

Protected, specimen, and historic trees, except as specified in this section, shall possess the following respective characteristics or criteria:

- (1) *Protected trees.* Any tree listed on the small, medium, or large protected tree lists in section 94-22 that measures six inches in caliper width or greater and which is at least ten feet in height and located outside of existing public streets, alleys, rights-of-way, utility easements, drainage easements, fence easements, pedestrian access easements, or other existing public rights-of-way or easements.
- (2) *Specimen tree.* Except as specified in this section, any tree listed on the town's small, medium, or large protected tree lists can be considered a specimen tree if it reaches the designated size for that list. For the small tree list, a specimen tree shall be any tree that measures 13 inches or more in caliper width. For the medium tree list, a specimen tree shall be any tree that measures 19 inches or more in caliper width. For the large tree list, a specimen tree shall be any tree that measures 25 inches or more in caliper width. All measurements shall be taken in accordance with the measuring rules and procedures as outlined and maintained by the Texas Forest Service. These procedures are outlined in section 94-14 of this chapter. In addition to the provisions of this subsection, a specimen tree shall be any other tree that has been designated by the town council, upon recommendation by the environmental conservation commission, after public hearing and due notice to the owner of the tree, to be of high value because of its type, size, age or other relevant criteria. Specimen trees shall not be regulated as protected trees. Specific requirements are set forth in this chapter regarding specimen trees.

Post oak trees shall receive a separate designation and specimen size classification of 22 inches or more in caliper width as listed within section 94-22.

- (3) *Historic tree.* Upon recommendation by the environmental conservation commission, a historic tree shall be any tree that has been designated by the town council, after public hearing and due notice to the owner of the tree, as a tree of notable historical interest and value to the town because of its location or historical association with the community. A listing and map of all designated historic trees

shall be maintained and updated by the tree preservation and enforcement officer or authorized designee and made available to the public upon request. Historic trees are not dependant on or determined by diameter or caliper width as are protected and specimen trees. Specific requirements are set forth in this chapter regarding historic trees.

Subject to the review and approval of the tree preservation and enforcement officer or authorized designee, a protected or specimen tree shall not include any living tree that a registered arborist or landscape architect certifies in writing is injured, dying, diseased or infested with harmful insects; that is in danger of falling, interferes with utility service or creates unsafe vision clearance; in any manner creates a hazardous or dangerous condition so as to endanger the public health, welfare or safety. Further, a protected tree shall not include any living tree that is identified on approved subdivision construction plans as necessary to be removed to comply with EPA storm water permitting requirements or FHA lot grading plans.

Subject to review and approval of the tree preservation and enforcement officer or authorized designee, a protected, specimen, or historic tree shall not include any tree that a registered arborist or landscape architect certifies in writing is dead.

(Ord. No. 63-08, § 3(94-5), 10-6-2008; Ord. No. 62-16 , § 2, 11-21-2016)

Sec. 94-22. Protected tree lists.

- (a) *Generally.* The tree species lists contained in this section have been developed and will be periodically updated by the town's environmental conservation commission and shall be maintained and distributed to the public by the tree preservation and enforcement officer or authorized designee as guides for the identification and selection of tree species that meet the various standards and requirements of this chapter. Trees included on this tree species list were selected on the basis of one or more of the following criteria or factors: hardiness, resistance to disease, suitability relative to local climate and soil conditions, adaptability for transplantation, longevity, adaptability to various landscape conditions, resistance to drought, aesthetic qualities, shade provision, windbreak provision, and screening qualities.
- (b) *Lists of trees that are protected.* Unless otherwise specified in this chapter, only those tree species found on the following lists shall be subject to the preservation, protection and replanting requirements of this section.

Small Tree List

Common Name	Scientific Name
Carolina buckthorn	(Rhamnus caroliniana)
Yaupon holly	(Ilex vomitoria)
Possum haw	(Ilex deciduas)
Redbud	(Cercis species)
Texas buckeye	(Aesculus glabra variety arguta)
Chickasaw plum	(Prunus agustifolia)
Mexican plum	(Prunus mexicana)

Medium Tree List

Common Name	Scientific Name
Slippery elm	(Ulmus rubra)
Cedar elm	(Ulmus crassifolia)
Winged elm	(Ulmus alata)
Blackjack oak	(Quercus marilandica)

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Persimmon species	(Diospyros species)
Chittamwood	(Bumelia languinosa)
Western soapberry	(Sapindus drummondii)
Sweetgum	(Luquidambar styraciflua)

Large Tree List

Common Name	Scientific Name
Shumard red oak	(Quercus shumardi)
Texas red oak	(Quercus texana)
Southern live oak	(Quercus virginiana)
Water oak	(Quercus nigra)
Bur oak	(Quercus macrocarpa)
Chinquapin oak	(Quercus muehlenbergii)
American elm	(Ulmus americana)
Pecans and hickories	(Cayra species)
Magnolia	(Magnolia grandiflora)
Bald cypress	(Taxodium distichum)
Pine species	(Pinus species)
Ash species	(Fraxinus species)
Sycamore	(Plantanus occidentalis)
Black walnut	(Juglans nigra)

Post Oak — 22" Specimen Size

Common Name	Scientific Name
Post oak	(Quercus stellata)

(Ord. No. 63-08, § 3(94-6), 10-6-2008; Ord. No. 62-16 , § 3, 11-21-2016)

Sec. 94-23. Tree survey; development projects.

Tree surveys are required to accompany an application for a development plan, site plan, record plat, replat, oil and gas well drilling permit, oil and gas pipeline permit, tree removal permit, or tree transplanting permit. A tree survey may be required to accompany a zoning application or a master plan amendment if it is deemed necessary by the town's tree preservation and enforcement officer. Each tree survey shall contain, but not be limited to, the following information/parts:

- (1) The location of all specimen trees and historic trees on the subject site.
- (2) The location of the trunk and the extent of the canopy spread of each specimen tree and historic tree on the subject site.
- (3) A table containing the following information for each specimen tree and historic tree:
 - a. Tree number;
 - b. Common and scientific name of each tree;
 - c. Diameter (DBH) of each tree measured in accordance with section 94-14 of this chapter;

-
- d. General health/condition of each tree;
 - e. Average canopy spread;
 - f. Status (specimen or historic) of each tree;
 - g. Whether each identified tree will remain or be removed; and
 - h. Location coordinates (northings and eastings, State Plane - NAD 1983) for each tree.
- (4) Each specimen tree and historic tree shall be affixed with a permanent tag bearing the corresponding number on the tree survey. This tag shall be placed on the trunk of the tree, between five and six feet in height on the south face of the tree's trunk.
 - (5) Each tree survey shall contain a count of all protected trees located on the property.
 - (6) Each tree survey shall contain a count of all protected trees that will be removed from the buildable area on the property. The phrase "buildable area" is defined in section 94-32 of this chapter.
 - (7) Protected trees designated for preservation shall be flagged in a distinguishing manner approved by the town for such purpose. In addition, those trees designated for removal shall be flagged in a different distinguishing manner as approved by the town.
 - (8) The tree survey must be signed, and stamped or sealed, by a certified arborist, certified forester, or a registered landscape architect. Each tree survey submitted shall contain one sheet of the tree survey as described above, one sheet with the tree survey data overlain with the site information, and one sheet with the site information overlain on an aerial photo for the site. The tree survey shall be on drawings measuring 24 inches by 36 inches and shall be drawn to a scale of no less than 100 feet to one inch, unless otherwise approved by the tree preservation and enforcement officer. When necessary the tree survey shall be on several sheets accompanied by an index sheet, showing the entire area of the survey. Necessary site information includes:
 - a. The location and dimensions of all existing or proposed public streets, alleys, rights-of-way, utility easements, drainage easements, fence easements, pedestrian access easements or other public rights-of-way or easements;
 - b. The location and dimensions of the designated parking area and designated stockpile area required in this subdivision and of any site proposed or anticipated to be proposed for a temporary batching plant permit; and,
 - c. The location of all existing or proposed property lines, lot lines, building lines, setback and yard requirements, any proposed building footprint or floor plan, and other special relationships or significant features of the proposed development plan, record plat or site plan of the development.
 - d. The location of designated upland, riparian habitat, and FEMA floodplain, if identified through an environmentally sensitive area survey and subsequent environmental protection plan, as defined in the town's SMARTGrowth Program and Analysis Manual.

(Ord. No. 63-08, § 3(94-7), 10-6-2008; Ord. No. 62-16 , § 4, 11-21-2016)

Sec. 94-24. Tree survey; residential lots.

Tree surveys are required to accompany an application for a building permit for the construction of homes on undeveloped residential lots. For lots that are one acre in size or larger, the tree survey shall be completed as described in section 94-23 of this chapter. For lots that are less than one acre in size, the tree survey shall contain, but not be limited to, the following information/parts:

-
- (1) A site plan showing: The location and configuration of the proposed house/structure, all required setbacks, sidewalks, driveway locations, porches, etc.
 - (2) Further, the site plan shall show the location of all specimen or historic trees located on the site.
 - (3) The survey shall depict the location of the trunk and the extent of the canopy spread of each specimen or historic tree.
 - (4) A table (spreadsheet) shall be supplied containing the common name, caliper width (DBH), and tree number of each specimen tree and historic tree shown on the site plan/tree survey. All measurements shall be in accordance with section 94-14 of this chapter.
 - (5) A count of all protected trees on the site and all protected trees proposed for removal shall be included on the tree survey.

(Ord. No. 63-08, § 3(94-8), 10-6-2008)

Secs. 94-25—94-30. Reserved.

ARTICLE IV. PERMITS, MITIGATION, PENALTIES, AND INCENTIVES

Sec. 94-31. Generally.

No person, directly or indirectly, shall cut down, destroy, remove or effectively destroy through damaging any protected, specimen, or historic tree on any real property within the town without first obtaining a tree removal permit as required in the terms and provisions of this article. Further, the replanting of any protected, specimen, or historic tree requires a tree replanting permit in accordance with the terms and provisions of this article.

(Ord. No. 63-08, § 3(94-9), 10-6-2008)

Sec. 94-32. Trees located in a buildable area.

The phrase "buildable area" shall mean and include all of a commercial or residential building lot, oil and gas pad site, development site or other site, excluding the fully developed FEMA floodplain as defined in section 90-403 and required street/landscaping buffer areas. Trees located within TXDOT rights-of-way are exempt from the terms and provisions of this chapter.

(Ord. No. 63-08, § 3(94-10), 10-6-2008; Ord. No. 62-16, § 5, 11-21-2016)

Sec. 94-33. Tree transplanting permit.

An application for a tree transplanting permit for protected trees located on undeveloped property or developed nonresidential property within the town may be submitted at any time and need not be submitted in conjunction with a development plan or record plat or a building permit. Tree transplanting permits shall be obtained by making application to the town's tree preservation and enforcement officer or authorized designee on forms prescribed by the town when a protected tree is proposed to be transplanted within the town. No fee shall be charged to make application for a tree transplanting permit. The application shall also be accompanied by a written document indicating the reasons for transplanting the protected tree and two copies of a legible tree survey. The tree survey should be prepared in accordance with section 94-24 of this chapter.

Upon receipt of a proper application for a tree transplanting permit, the town's tree preservation and enforcement officer or authorized designee shall review the application and may conduct field inspections of the site or development and/or refer the permit application to other departments for review and recommendations as deemed necessary and appropriate by the town manager or authorized designee. The application for a tree transplanting permit shall be approved unless the town's tree preservation and enforcement officer or authorized designee determines that the proposed transplanting will unnecessarily damage or jeopardize the health of the trees proposed to be transplanted. A denial of an application for a tree transplanting permit by the tree preservation and enforcement officer or authorized designee may be appealed to the environmental conservation commission. The decision of the environmental conservation commission regarding the appeal from the denial of such tree transplanting permit application shall be final.

(Ord. No. 63-08, § 3(94-11), 10-6-2008)

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.

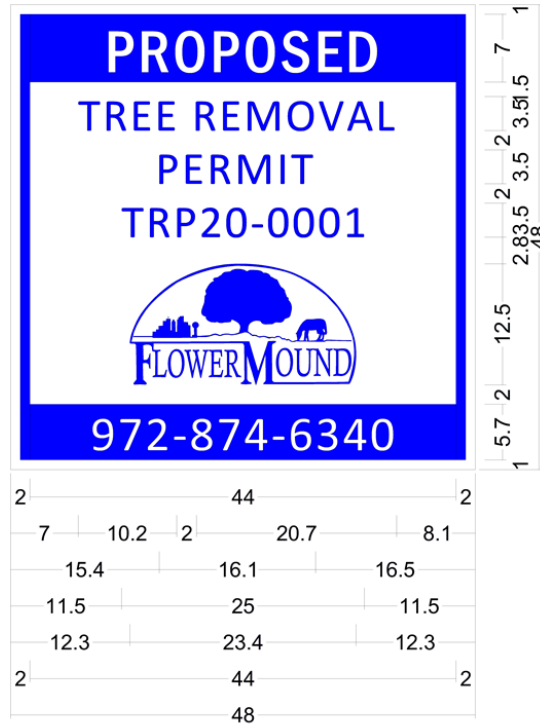
- (1) Tree removal permit applications, when required, shall be submitted in conjunction with a zoning planned development (ZPD) or a development plan and shall be considered by the environmental conservation commission prior to the project proceeding to the planning and zoning commission. The application 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 sign shall be four feet by four feet.
 - (2) The sign shall be made out of aluminum or ten mm thick fluted polypropylene corrugated plastic material. If using plastic, the sheets shall be extruded comprising of two skins separated by vertical ribs.
 - (3) The sign shall be double-sided, mounted on two stakes/poles, and the bottom of the sign shall be at least one foot above grade.
 - (4) The sign shall be posted at least 15 days prior to a scheduled public hearing with the environmental conservation commission.
 - (5) The sign shall be visible from and placed perpendicular to the street.
 - (6) There shall be one sign for each 500 feet of street frontage.
 - (7) The sign shall have a white background, with letters and borders being blue in color. The sign shall include the following information: The type of request, the case number, the town's logo, and environmental services' contact number.

Example:



3.0" Radius, 1.0" Border, 1.0" Indent, Blue on, White;
 "TREE REMOVAL ", Calibri 150% spacing;
 "PERMIT ", Calibri 150% spacing;
 "TRP20-0001", Calibri 150% spacing; IOGO;

- (8) 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 on the tree removal permit. The owner/developer/applicant shall also be required to replace missing informational signs within two weeks of staff notifying them of the absence.

(Ord. No. 63-08, § 3(94-12), 10-6-2008; Ord. No. 22-20 , § 3, 8-17-2020)

Sec. 94-35. Tree removal permit on property zoned agricultural district (A) uses.

No fee shall be charged to make application for a tree removal permit for the removal of protected trees located on real property having an agricultural zoning district classification. However, if within any 12-month period, tree removal permits for the removal of 20 or more protected trees are issued for the same agricultural property or tract, or any of its portions, the agricultural zoning district classification of such property cannot be changed, nor can an application for approval of a development plan, planned development or zoning amendment relative to such property be made, for a period of 60 months following the most recent 12-month period during which 20 or more protected trees were removed from such agricultural zoned property.

(Ord. No. 63-08, § 3(94-13), 10-6-2008)

Sec. 94-36. Special provisions for agricultural district (A) uses.

Notwithstanding anything contained in this chapter to the contrary, for tracts zoned agricultural district (A) uses, the tree survey requirements contained in this article shall be limited in their application to proposed rights-of-way, easements and an area equal to 20 feet on any side of such rights-of-way and easements, provided that

the applicant executes a development agreement with the town that all trees on the tract and outside of such areas, for the purposes of such agreement, are protected trees (regardless of their species or caliper width) and that the unauthorized removal of such trees shall result in the revocation of any previously approved development plan and record plat for a period of 60 months from the date of the most recent unauthorized removal of one or more trees from the subject property.

(Ord. No. 63-08, § 3(94-14), 10-6-2008)

Sec. 94-37. Review of application.

- (a) An application for a tree removal permit for a protected tree located outside of the buildable area shall be accompanied by an administrative fee per tree proposed for removal in the amount listed in appendix A of this Code, not to exceed a total per permit application in an amount listed in appendix A of this Code. An application for a tree removal permit for a specimen tree, or historic tree shall be accompanied by an administrative fee per tree proposed for removal in the amount listed in appendix A of this Code. Upon receipt of a properly completed application accompanied by the appropriate fee, the tree preservation and enforcement officer or his authorized designee shall review the application and may conduct field inspections of the development and/or refer the permit application to other departments for review and recommendations as deemed necessary and appropriate by the tree preservation and enforcement officer or his authorized designee.
- (b) The application for a tree removal permit, if required, shall be considered an integral part of the application for development plan or site plan approval, or the application for an oil and gas well permit. No development plan or site plan for any development, or oil and gas well permit, subject to the terms and provisions of this subdivision, shall be approved without approval of such tree removal permit. It is further provided that if a property owner or developer does not submit a tree removal permit application prior to town approval of a development plan covering a particular site, then if a tree removal permit application for the site is submitted later, approval of the development plan may be revoked. In this event, a revised development plan must be submitted for review by the town.
- (c) The tree preservation and enforcement officer may approve, approve with conditions, or deny a request for a tree removal permit for protected trees located outside the buildable area of a lot or site, provided that the requested tree removal permit is for the removal of trees in a development district other than the Cross Timbers Conservation Development District. An appeal of the decision of the tree preservation and enforcement officer may be made to the Environmental Conservation Commission.
- (d) An application for a tree removal permit for specimen, historic, or protected trees located outside the buildable area of a lot or site within the Cross Timbers Conservation Development District or an application for a tree removal permit for specimen, or historic trees within all other districts shall be submitted to the environmental conservation commission for review and recommendation to the town council that the permit application be approved, approved with conditions or denied. The environmental conservation commission shall not recommend an application for a tree removal permit be approved or approved with conditions, unless the commission finds that the subject development, redevelopment, subdivision or re-subdivision cannot reasonably be developed, based on economic and/or practical considerations, without removal of the trees included in the permit application.
- (e) The environmental conservation commission's recommendation concerning an application for tree removal permit shall be reviewed by the town council. The town council may then approve the application, approve it with conditions, or deny the application; however, the town council may overturn the denial of an application for tree removal permit by the environmental conservation commission only upon a finding that the subject development, redevelopment, subdivision or re-subdivision cannot reasonably be developed,

based on economic and/or practical considerations, without removal of the trees included in the permit application.

- (f) Approval for removal of a historic tree shall require a three-fourths majority vote of the environmental conservation commission and the town council, respectively.

(Ord. No. 63-08, § 3(94-15), 10-6-2008)

Sec. 94-38. Per-caliper-inch cash value; replacement trees; mitigation fee credit.

- (a) A per-caliper-inch cash value for replacement trees shall be set, and updated as necessary by the town council after review and recommendation by the environmental conservation commission. The per-caliper-inch cash value shall be used to calculate mitigation costs for authorized and unauthorized removals of protected, specimen, and historic trees. The tree preservation and enforcement officer or his authorized designee shall maintain a record of the current per-caliper-inch cash value of replacement trees.
- (b) Whenever a mitigation fee is imposed in accordance with this chapter, a mitigation fee credit will be given for replacement tree(s), that are at least two inches in diameter at the point on the trunk four and one-half feet above ground, planted on the property for which the tree mitigation fee was assessed or property mutually agreed upon by the town and the person. The calculation for the credit will be done in the same manner as the tree mitigation fee assessed against the person and be:
- (1) Fifty percent of the amount of the tree mitigation fee assessed against the person if:
- a. The property is a residential structure or pertains to the development, construction, or renovation of a residential structure; and
 - b. The person is developing, constructing, or renovating the property not for use as the person's residence; or
- (2) Forty percent of the amount of the tree mitigation fee assessed against the person if:
- a. The property is not a residential structure; or
 - b. The person is constructing or intends to construct a structure on the property that is not a residential structure.
- (c) An application for a mitigation fee credit under subsection (b) must be done in conjunction with an application for a tree removal permit as prescribed within this chapter.

(Ord. No. 63-08, § 3(94-16), 10-6-2008; Ord. No. 43-17 , § 1, 11-20-2017)

Sec. 94-39. Mitigation requirements for authorized tree removal.

- (a) *Replacement trees required for the removal of protected trees located within the buildable area on a lot or site.* It shall be the responsibility of any person removing a protected tree located within the buildable area of a lot or site to replace each protected tree removed with one, two and one-half to three-inch caliper tree measured in accordance with section 94-13 of this chapter. Replacement trees shall be of a species listed on the town's approved mitigation and replacement tree planting list. Replacement trees shall have a minimum height of at least six feet, and shall be planted in locations approved by the tree preservation and enforcement officer or authorized designee. Acceptable locations shall include reforestation sites designated by the town. At the discretion of the tree preservation and enforcement officer or authorized designee, money in an amount equal to the per-caliper-inch cash value of the removed tree(s) may be paid to the town instead of providing the replacement trees required by this article. Any such payments shall be deposited in a special account or fund and used by the town to provide and/or support supplemental landscape plantings in

public areas of the town and/or to support the administration and enforcement of the town's tree preservation regulations. A per-caliper-inch cash value for replacement trees shall be set by the town council in accordance with section 94-38 of this article.

- (b) *Mitigation of loss of habitat.* When any person seeks to develop property, rezone property, or amend the master plan regarding property, so that an application for a development plan, site plan, record plat, re-plat, oil and gas well drilling permit, oil and gas pipeline permit, tree removal permit, or tree transplanting permit is required by this chapter, and such person wishes to remove protected trees from an environmentally sensitive area (ESA), such as upland habitat and/or riparian habitat as defined in the town's SMARTGrowth Program and Analysis Manual, it shall be the responsibility of such person to mitigate the acreage of habitat lost or negatively impacted through either the payment to the town of mitigation fees or the planting of replacement trees included in the required environmental protection plan (EPP) for the development project, or a combination thereof that results in the required mitigation. This required habitat mitigation only applies to impacts to designated upland or riparian habitats. The mitigation for the removal of protected trees located outside of the designated habitats as established in an approved EPP is addressed in section 94-39(a). The monetary value of upland habitat and riparian habitat is set at \$15,000.00 per acre. Preservation incentives for upland and/or riparian habitat preserved within a project are established in section 94-40. At the discretion of the tree preservation and enforcement officer or authorized designee, money in an amount equal to the value of the removed habitat may be paid to the town instead of providing the replacement trees. Any such payments shall be deposited in a special account or fund and used by the town to provide and/or support supplemental landscape plantings in public areas of the town and/or to support the administration and enforcement of the town's tree preservation regulations.
- (c) *Replacement trees required for the removal of protected trees located outside the buildable area on a lot or site.* It shall be the responsibility of any person obtaining a tree removal permit for a protected tree located outside of the buildable area on a lot or site to provide replacement with trees having a total caliper width equivalent to one and one-half times that of the tree(s) to be removed. Total caliper width for replacement trees shall be calculated using measurements taken in accordance with section 94-14 of this chapter. For example, if a ten-inch protected tree is removed, then that tree must be replaced by trees having a total caliper width of 15 inches. This total caliper width could be satisfied by an approved combination of replacement trees to meet the required caliper width replacement. Replacement trees shall be of a species listed on the town's approved mitigation and replacement tree planting list. Such replacement trees shall be container-grown and each replacement tree shall have a minimum caliper width of two and one-half inches to three inches, measured in accordance with section 94-13 of this chapter. Replacement trees shall have a minimum height of at least six feet, and shall be planted in locations approved by the tree preservation and enforcement officer or his authorized designee. Acceptable locations shall include reforestation sites designated by the town. At the discretion of the tree preservation and enforcement officer or authorized designee, money in an amount equal to the per-caliper-inch cash value of the removed tree(s) may be paid to the town instead of providing the replacement trees required by this article. Any such payments shall be deposited in a special account or fund and used by the town to provide and/or support supplemental landscape plantings in public areas of the town and/or to support the administration and enforcement of the town's tree preservation regulations. A per-caliper-inch cash value for replacement trees shall be set by the town council in accordance to section 94-38 of this chapter.
- (d) *Replacement trees required for the authorized removal of specimen trees.* It shall be the responsibility of any person obtaining a tree removal permit for a specimen tree to provide replacement trees having a total caliper width equivalent to two times that of the tree(s) to be removed. Total caliper width for replacement trees shall be calculated using measurements taken in accordance with section 94-14 of this chapter. Replacement trees shall be of a species listed on the town's approved mitigation and replacement tree planting list. Such replacement trees shall be container-grown and have a minimum caliper width of two and one-half inches to three inches, measured in accordance with section 94-13 of this chapter. Replacement trees shall have a minimum height of at least six feet, and shall be planted in a location approved by the tree

preservation and enforcement officer or authorized designee. Acceptable locations shall include reforestation sites designated by the town. At the discretion of the tree preservation and enforcement officer or authorized designee, money in an amount equal to the per-caliper-inch cash value of the removed tree(s) may be paid to the town instead of providing the replacement trees required by this article. Any such payments shall be deposited in a special account or fund and used by the town to provide and/or support supplemental landscape plantings in public areas of the town and/or to support the administration and enforcement of the town's tree preservation regulations. A per-caliper-inch cash value for replacement trees shall be set by the town council in accordance to section 94-38 of this chapter.

- (e) *Replacement trees required for the authorized removal of historic trees.* It shall be the responsibility of any person obtaining a tree removal permit for a historic tree to provide replacement trees having a total caliper width equivalent to two and one-half times that of the tree(s) to be removed. Total caliper width for replacement trees shall be calculated using measurements taken in accordance with section 94-14 of this chapter. Replacement trees shall be of a species listed on the town's approved mitigation and replacement tree planting list. Such replacement trees shall be container-grown and have a minimum caliper width of two and one-half inches to three inches, measured in accordance with section 94-13 of this chapter. Replacement trees shall have a minimum height of at least six feet, and shall be planted in locations as approved by the tree preservation and enforcement officer or authorized designee. Acceptable locations shall include reforestation sites designated by the town. At the discretion of the tree preservation and enforcement officer or authorized designee, money in an amount equal to the per-caliper-inch cash value of the removed tree(s) may be paid to the town instead of providing the replacement trees required by this article. Any such payments shall be deposited in a special account or fund and used by the town to provide and/or support supplemental landscape plantings in public areas of the town and/or to support the administration and enforcement of the town's tree preservation regulations. A per-caliper-inch cash value for replacement trees shall be set by the town council in accordance to section 94-38 of this chapter.

Any fees or payments made to the town to satisfy the mitigation or replacement requirements of this article shall be paid at the time of a preconstruction meeting authorizing grading or construction activities to occur on the lot or site. In cases where a preconstruction meeting is not required, all fees or payments shall be made prior to the issuance of a building permit for the lot or site.

(Ord. No. 63-08, § 3(94-17), 10-6-2008; Ord. No. 62-16 , § 6, 11-21-2016)

Sec. 94-40. Incentives for preservation of protected, specimen, and historic trees.

If any protected, specimen, or historic tree is preserved within an area that would otherwise be considered a buildable area, credit for preservation shall be given that will be counted toward the mitigation requirements for the removal of protected trees within the buildable area on a site or project. Such mitigation credits shall be given only for those trees whose critical root zones are left predominately in their natural state. No cutting, filling, or other construction related activities are allowed within the critical root zones of trees eligible for mitigation credit unless otherwise approved in writing and in advance by the town. Existing trees that are preserved within required street yard landscaping areas shall be counted for credit toward the requirements of section 82-241 of this Code, street yard landscaping, provided that they are located within the street yard and/or parking area. Following is a list of credits available for the preservation of protected and specimen trees on a site or project, and a separate credit schedule for the preservation of protected and specimen post oak trees on a site or project.

- (1) One mitigation tree credit will be given for each protected tree preserved within a buildable area on a site or project.
- (2) The following schedule outlines tree credits that will be given for each specimen tree preserved within a buildable area on a site or project.

*Buildable Area Mitigation Specimen
Tree Credit Schedule*

Caliper Size (Diameter)	Tree Credits
13—18 inches	3
19—24 inches	4
25—30 inches	5
Greater than 30 inches	6

- (3) The following schedule outlines tree credits that will be given for each protected or specimen post oak tree preserved on a site or project and located outside of an ESA.

Post Oak Tree Credit Schedule

Post Oak Caliper Size (Diameter)	Tree Credits
6—12 inches	2
13—21 inches	4
22 inches and greater	6

- (4) Mitigation credits for preservation of protected trees within designated upland and/or riparian habitat will be given for each acre of habitat protected on a site or project.
- (5) For purposes of this section, one mitigation tree credit shall be the equivalent of the person developing the property providing one container-grown tree as provided in section 94-39 of a variety selected from the replacement tree list having a minimum caliper width of two and one-half inches to three inches, measured in accordance with section 94-13 of this chapter. In the event the tree preservation and enforcement officer or authorized designee approves the payment of money in an amount equal to the per-caliper-inch cash value of the removed tree(s) instead of providing the replacement trees required by this article, one mitigation tree credit shall be the equivalent of the per-caliper-inch cash value for a replacement tree having a minimum caliper width of two and one-half inches to three inches. However, no tree credits shall be allowed or permitted for trees that are dead, dying, diseased or infested with harmful insects (as determined by the tree preservation and enforcement officer or authorized designee), or for trees which have not been adequately protected using required tree protection measures, as defined in article V of this chapter, or which are otherwise likely to die (as determined by the tree preservation and enforcement officer or authorized designee); or trees that are not included on the protected tree list.

(Ord. No. 63-08, § 3(94-18), 10-6-2008; Ord. No. 62-16 , § 7, 11-21-2016)

Sec. 94-41. Penalties for unauthorized removal of protected, specimen, and historic trees.

If any protected, specimen, or historic trees are removed from any real property without a tree removal permit, or if a protected, specimen, or historic tree is injured because of failure to follow required tree protection measures such that the tree dies or may reasonably be expected to die, the town shall have the authority to impose one or more of the following administrative and civil penalties on the developer and/or owner of the property:

- (1) A monetary penalty of \$250.00 per-caliper-inch of width of the protected tree(s) removed or damaged, payable to the town. A monetary penalty of \$500.00 per-caliper-inch of width of the specimen tree(s)

removed or damaged, payable to the town. A monetary penalty of \$750.00 per-caliper-inch of width of the historic tree(s) removed or damaged, payable to the town. Funds paid to the town as tree removal penalties shall be deposited in a special account or fund and used by the town to provide and/or support supplemental landscape plantings in public areas of the town, and/or to support the administration and enforcement of the town's tree preservation regulations.

- (2) For each protected tree that is removed or damaged, replacement with new trees having a total tree caliper width equivalent to five times that of the removed or damaged tree(s). For each specimen tree that is removed or damaged, replacement with new trees having a total tree caliper width equivalent to ten times that of the removed or damaged tree(s). For each historic tree that is removed or damaged, replacement with new trees having a total tree caliper width equivalent to 15 times that of the removed or damaged tree(s). Replacement trees shall be of a species listed on the town's approved mitigation and replacement tree planting list. Such replacement trees shall be container-grown and have a minimum caliper width of two and one-half inches to three inches, measured in accordance with section 94-13 of this chapter. Replacement trees shall have a minimum height of at least six feet, and shall be planted in locations as approved by the tree preservation and enforcement officer or authorized designee. Acceptable locations shall include reforestation sites designated by the town. At the discretion of the tree preservation and enforcement officer or authorized designee, money in an amount equal to the per-caliper-inch cash value of the removed or damaged tree(s) may be paid to the town instead of providing replacement trees required by this article. Any such payments shall be deposited in a special account or fund and used by the town to provide and/or support supplemental landscape plantings in public areas of the town and/or to support the administration and enforcement of the town's tree preservation regulations. A per-caliper-inch cash value for replacement trees shall be set by the town council in accordance with section 94-38 of this article.

(Ord. No. 63-08, § 3(94-19), 10-6-2008)

Secs. 94-42—94-50. Reserved.

ARTICLE V. TREE PROTECTION

Sec. 94-51. Enumeration.

The following tree protection measures shall be required:

- (1) Prior to any and all construction or land development activity, the developer or property owner shall install four-foot-high plastic (or equivalent) safety fencing around the drip line of protected trees and six-foot-high chain-link fencing around the drip line of specimen and historic trees.
- (2) Prior to any and all construction or land development activity, the developer or property owner shall establish designated parking areas for the parking and maintenance of all vehicles, trailers, construction equipment and related items, designated stockpile areas for the storage of construction supplies and materials during construction of the subdivision and designated drive areas for vehicles and equipment. The location and dimensions of such designated areas shall be clearly identified on both subdivision construction and site plans and shall be approved by the tree preservation and enforcement officer or authorized designee prior to any construction or land development activity in, on or about the subdivision. Such designated areas shall be completely fenced with chain-link fencing and gates for safety purposes and to separate protected, specimen, or historic trees from the construction area and related construction activity. With the approval of the tree preservation and enforcement officer or authorized designee, the designated parking and stockpile areas may be

combined into one fenced area, provided that the preservation of protected trees is not adversely affected or jeopardized. Supplies and pipe and other items that are customarily unloaded where installed shall not be required to be stored within the designated stockpile areas. Sites approved for temporary batching plant permits shall be fenced and gated in the same manner as designated parking and stockpile areas. Temporary batching plant permits shall also be required for the operation of all batching plants, pursuant to the regulations of this chapter.

- (3) During construction, the developer or property owner shall prohibit the cleaning of equipment or materials and/or the disposal of any waste material, including, but not limited to, paint, oil, solvents, asphalt, concrete, mortar, etc., under the canopy or drip line of any protected, specimen, or historic tree or group of such trees.
- (4) No attachments or wires of any kind, other than those of a protective nature, shall be attached to any protected tree(s).
- (5) With major grade changes of six inches or greater, a retaining wall or tree well of rock, brick, landscape timbers or other approved materials shall be constructed around the tree no closer than the drip line of the tree. The top of the retaining wall or tree well shall be constructed at the new grade.
- (6) Unless otherwise approved by the town, no construction or construction-related activity shall occur under the canopy or drip line of any protected, specimen, or historic tree or group of such trees.
- (7) Any tree(s) removed during land development, construction or construction-related activities shall be chipped or hauled off site. Burning of removed trees is prohibited unless prior approval is given by the town's fire marshal.
- (8) The tree preservation and enforcement officer or authorized designee may require additional protection measures or best management practices as needed on a case by case basis to adequately protect protected, specimen, historic trees, or trees required as part of an approved landscape plan.

(Ord. No. 63-08, § 3(94-20), 10-6-2008; Ord. No. 62-16 , § 8, 11-21-2016)

Secs. 94-52—94-60. Reserved.

ARTICLE VI. TREE PLANTING REQUIREMENTS AND PLANTING LISTS

Sec. 94-61. Street yard trees.

Trees shall be planted or existing trees preserved within the street yard of a nonresidential lot or building tract according to the following provisions:

- (1) For street yards less than 10,000 square feet in area, one tree shall be provided for each 1,000 square feet, or fraction of such amount, of street yard.
- (2) For street yards between 10,000 and 110,000 square feet in area, ten trees shall be required for the first 10,000 square feet plus one additional tree shall be required for each 2,500 square feet, or fraction of such amount, of street yard area in excess of 10,000 square feet.
- (3) For street yards over 110,000 square feet in area, 50 trees shall be required for the first 110,000 square feet plus one additional tree shall be required for each 5,000 square feet, or fraction of such amount, of street yard area in excess of 110,000 square feet.
- (4) Street yard trees shall be a minimum of three-inch caliper.

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- (5) Trees required to satisfy other provisions of this article and lying within the street yard may be used to satisfy the requirements of this section.

(Ord. No. 63-08, § 3(94-21), 10-6-2008)

Sec. 94-62. Street buffer trees.

Trees shall be planted or existing trees preserved within the street buffer landscaping area required by section 82-242 of this Code, street buffer landscaping, according to the following provisions:

- (1) Street buffer trees shall be provided in a ratio of one tree for every 30 feet of lineal frontage, except that a ratio of one tree for every 25 feet of lineal frontage shall be provided along scenic roadways.
- (2) Street buffer trees shall be a minimum of three-inch caliper.

(Ord. No. 63-08, § 3(94-22), 10-6-2008)

Sec. 94-63. Parking area trees.

Trees shall be planted or existing trees preserved within off-street parking areas according to the following provisions:

- (1) One tree shall be provided for each ten parking spaces provided on the site; provided, however, that churches and/or schools shall be required to provide one tree for each 20 parking spaces provided on the site.
- (2) Parking area trees shall be minimum of three-inch caliper, except as provided in subsection (4) of this section.
- (3) All parking spaces shall be located within 50 feet of a tree that is located within the same parking area, measured from the trunk of the tree; provided, however, that for churches and/or schools, all parking spaces shall be located within 100 feet of a tree that is located within the same parking area, measured from the trunk of the tree.
- (4) A maximum of 30 percent of the trees used to satisfy the requirements of this section may come from subsection 94-66(b), approved median and right-of-way planting list.

(Ord. No. 63-08, § 3(94-23), 10-6-2008)

Sec. 94-64. Median and right-of-way trees.

Trees may be planted in medians and rights-of-way only with the approval of the town, provided that such trees are selected from subsection 94-66(b), approved median and right-of-way planting list.

(Ord. No. 63-08, § 3(94-24), 10-6-2008)

Sec. 94-65. Residential lots.

The following tree planting requirements shall be satisfied prior to the issuance of a certificate of occupancy for a single-family, duplex or multi-family use:

- (1) A minimum of three trees, with a minimum caliper width of two and one-half inches to three inches, and at least six feet in height, shall be provided on each 10,000 square foot and greater single-family and duplex lot prior to the issuance of a certificate of occupancy. A minimum of two trees, with a

minimum caliper width of two and one-half inches to three inches, and at least six feet in height, shall be provided on each single-family and duplex lot between 5,000 and 10,000 square feet prior to the issuance of a certificate of occupancy. At least one of the required trees shall be located within the front yard area of the lot.

- (2) A minimum of one tree, with a minimum caliper width of two and one-half inches to three inches, shall be provided for each 3,000 square feet of gross lot area on each multi-family lot prior to the issuance of a certificate of occupancy. At least 50 percent of the required trees shall be located within either the front or side yard area of the lot.
- (3) From July 1 until September 1 of each year, only container grown trees shall be used to satisfy the requirements of this section; and, the builder/developer shall certify that any such trees are container grown.
- (4) Homeowners desiring to plant trees of a caliper width in excess of two times the requirements of this article may, from July 1 until September 1 of each year, file a town-approved affidavit with the town manager to this effect. Such trees shall be planted by March 1 of the following year in which the affidavit was filed. Failure to comply with the requirements of this article shall be considered a misdemeanor, punishable as such by a fine in accordance with section 1-13 of this Code.
- (5) There shall be no more than 50 percent of any tree species, and no more than 75 percent of any tree genus permitted to satisfy the planting requirements.

(Ord. No. 63-08, § 3(94-25), 10-6-2008; Ord. No. 62-16, § 9, 11-21-2016)

Sec. 94-66. Approved tree planting lists.

Unless otherwise specified in this chapter, only those tree species included in this section shall satisfy the tree planting requirements of this article.

Generally. The tree species lists contained in this section have been developed and will be periodically updated by the town's environmental conservation commission and shall be maintained and distributed to the public by the tree preservation and enforcement officer or authorized designee as guides for the identification and selection of tree species that meet the various standards and requirements of this article. Trees included on these tree species lists were selected on the basis of one or more of the following criteria or factors: hardiness, resistance to disease, suitability relative to local climate and soil conditions, adaptability for transplantation, longevity, adaptability to various landscape conditions, resistance to drought, aesthetic qualities, shade provision, windbreak provision, and screening qualities. To promote biodiversity, there shall be no more than 20 percent of a tree species, and no more than 50 percent of any tree genus permitted to satisfy the planting requirements on all new developments.

- (1) *Approved tree planting list.* Only those tree species found on the following approved tree planting list shall satisfy the tree planting standards and requirements of this article.

Approved Tree Planting List

Common Name	Scientific Name
Southern live oak	(<i>Quercus virginiana</i>)
Escarpment live oak	(<i>Quercus fusiformis</i>)
Shumard oak	(<i>Quercus shumardi</i>)
Chinkapin oak	(<i>Quercus muehlenbergii</i>)
Monterrey oak	(<i>Quercus polymorpha</i>)
Bur oak	(<i>Quercus macrocarpa</i>)

Texas red oak	(Quercus texana)
Water oak	(Quercus nigra)
American elm	(Ulmus americana)
Cedar elm	(Ulmus crassifolia)
Winged elm	(Ulmus alata)
Lacebark elm	(Ulmus parvifolia)
Bald cypress	(Taxodium distichum)
Pecans and hickories	(Carya species)
Juniper tree	(Juniperus species)
White ash	(Fraxinus americana)
Green ash	(Fraxinus pennsylvanica)
Texas ash	(Fraxinus texensis)
Western soapberry	(Sapindus drummondii)
Sweet gum	(Liquidambar styraciflua)
Eastern red cedar	(Juniperus virginiana)
Pines	(Pinus species)
Leyland cypress	(Cypressocyparis leylandi)
Black walnut	(Juglans nigra)
Magnolia	(Magnolia grandiflora)

- (2) *Approved median and right-of-way tree planting list.* The following tree species shall be allowed to be planted in medians and rights-of-way when approved by the town. Additional tree species with non-aggressive root systems/deep root systems maybe authorized for planting in such areas by the director of recreational services.

*Approved Median and ROW Tree
Planting List*

Common Name	Scientific Name
Sweet gum	(Liquidambar styraciflua)
Crepe myrtle	(Lagerstroemia indica)
Wax myrtle	(Myrica cerifera)
Plum	(Prunus species)
Holly	(Ilex species)
Possum haw	(Ilex decidua)
Native pecan	(Carya species)
Redbuds/whitebuds	(Cercis species)
Fruitless crabapples	(Malus species)
Southern live oak	(Quercus virginiana)
Escarpment live oak	(Quercus fusiformis)
Texas red oak	(Quercus texana)
Shumard oak	(Quercus shumardi)
Chinkapin oak	(Quercus muehlenbergii)
Bur oak	(Quercus macrocarpa)

Water oak	(Quercus nigra)
Winged elm	(Ulmus alata)
Cedar elm	(Ulmus crassifolia)
Lacebark elm	(Ulmus parvifolia)
Slippery elm	(Ulmus rubra)
Bald cypress	(Taxodium distichum)
Hickories	(Carya species)
Pines	(Pinus species)
Chinese pistache	(Pistachia chinensis)
Juniper tree	(Juniperus species)
Texas buckeye	(Aesculus glabra variety arguta)
Common persimmon	(Diospyros virginiana)
Texas ash	(Fraxinus texensis)
White ash	(Fraxinus Americana)
Green ash	(Fraxinus pennsylvanica)
Western soapberry	(Sapindus drummondii)
Black walnut	(Juglans nigra)
Magnolia	(Magnolia grandiflora)
Yaupon holly	(Ilex vomitoria)
Carolina buckthorn	(Rhamnus caroliniana)
Thornless honey locust	(Gleditsia triacanthos variety inermis)

- (3) *Approved mitigation and replacement tree planting list.* The following list of tree species shall be allowed to be planted to satisfy mitigation and replacement standards for trees removed from the buildable area on sites, trees removed with approved tree removal permits, and/or trees removed without authorization.

*Approved Mitigation and Replacement
Tree Planting List*

Common Name	Scientific Name
Native pecan	(Carya species)
Texas red oak	(Quercus texana)
Shumard oak	(Quercus shumardi)
Bur oak	(Quercus macrocarpa)
Water oak	(Quercus nigra)
Winged elm	(Ulmus alata)
Slippery elm	(Ulmus rubra)
Post oak	(Quercus stellata)
Cedar elm	(Ulmus crassifolia)

- (4) *Approved overhead utility easement tree planting list.* The following list of tree species shall be allowed to be planted in overhead utility easements where required. These species were selected due to their

relatively small mature size and growth characteristics. Trees planted in these areas shall be planted at a ratio of three trees for every one tree required.

Common Name	Scientific Name
Yaupon holly	(Ilex vomitoria)
Carolina buckthorn	(Rhamnus caroliniana)
Possum haw	(Ilex decidua)
Plum	(Prunus species)
Redbuds/whitebuds	(Cercis species)
Wax myrtle	(Myrica cerifera)
Crepe myrtle	(Lagerstroemia indica)

(Ord. No. 63-08, § 3(94-26), 10-6-2008; Ord. No. 62-16 , § 10, 11-21-2016)

Sec. 94-67. Limits on credit for preservation of existing or established trees.

Existing protected trees, which are not being applied toward compliance with landscaping requirements, may be applied as a credit against required buildable area mitigation. Similarly, existing specimen trees, which are not being applied toward compliance with landscaping requirements, may be applied as credit toward required buildable area mitigation. In order for trees to qualify for credit, all standards described in article V of this chapter, shall be met completely. Further, all requirements set forth in section 94-40 shall also be met for credit to apply toward required buildable area mitigation for such trees. If the trees are compromised in any way, credit will not be given. Eligibility for credit will be determined by the tree preservation and enforcement officer or authorized designee. In no event shall any tree be counted for credit against both the landscaping requirements and the buildable area mitigation requirements.

(Ord. No. 63-08, § 3(94-28), 10-6-2008; Ord. No. 62-16 , § 11, 11-21-2016)

Editor's note(s)—Ord. No. 62-16 , § 11, adopted Nov. 21, 2016, repealed § 94-67, and renumbered former § 94-68 as new § 94-67 as set out herein. The former § 94-67 pertained to landscape credit for large trees and derived from Ord. No. 63-08, § 3(94-27), 10-6-2008.

Secs. 94-68—94-80. Reserved.

ARTICLE VII. MISCELLANEOUS

Sec. 94-81. Exceptions.

The following exceptions from the terms and provisions of this chapter are hereby authorized and granted:

- (1) If any protected, specimen, or historic tree shall be determined to be in a hazardous or dangerous condition so as to endanger the public health, welfare or safety, and require immediate removal without delay, authorization for removal may be given by the town manager, upon recommendation of the tree preservation and enforcement officer or authorized designee, and such protected, specimen, or historic tree may then be removed without obtaining a written permit as required in this article.
- (2) During the period of an emergency, such as a tornado, storm, flood or other act of God, the requirements of this article may be waived as may be deemed necessary by the town council.

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- (3) All licensed plant or tree nurseries shall be exempt from the terms and provisions of this article only in relation to those trees planted and growing on the premises of such licensee that are so planted and growing for the sale or intended sale to the general public in the ordinary course of such licensed business.
 - (4) Utility companies, franchised or otherwise, that are authorized to provide utility service within the town may remove protected, specimen, or historic trees that endanger public safety and welfare by interfering with utility service, except that where such trees are on owner-occupied properties developed for single-family or duplex use, removal of such trees shall be at the option of the property owners and require the property owners' consent and approval.
 - (5) For recreational property or uses, such as golf courses and baseball, soccer, football or similar athletic facilities, and public works projects such as water or wastewater treatment plants, pump stations, storage tanks, and public streets and drainage improvements, the buildable area of the property shall include that portion of the property necessary for the construction of such recreational and public works improvements, including sufficient adjacent area, to allow the normal operation of construction equipment.
 - (6) The terms and provisions of this article shall not apply to any development, subdivision or re-subdivision for which a record plat has been approved by the town council and filed in the plat records of the county prior to October 6, 2008.
 - (7) All easements and rights-of-way included on a record plat approved by the town and filed in the plat records of the county.

(Ord. No. 63-08, § 3(94-29), 10-6-2008; Ord. No. 43-15 , § 2, 7-20-2015; Ord. No. 62-16 , § 12, 11-21-2016)

Sec. 94-82. Penalty upon failure to comply with chapter provisions.

- (a) Any person violating or failing to comply with any provision or requirement of this chapter shall be deemed guilty of a misdemeanor and, upon conviction, shall, without exception, be fined the maximum amount provided in section 1-13 of this Code. A separate offense shall be deemed committed upon each day or portion of a day during or on which each separate violation or failure to comply occurs or continues to occur and shall be punishable as such.
- (b) Notwithstanding the foregoing, any violation by any person of any provision of this chapter that constitutes an immediate danger or threat to any protected, specimen, or historic tree shall be subject to the administrative penalties set forth in this chapter.
- (c) Notwithstanding the foregoing, any violation by any person of any provision of this chapter that constitutes an immediate danger or threat to the health, safety and welfare of the public may be enjoined in a suit brought by the town for such purpose.
- (d) In addition to any other remedies or penalties contained in this section, the town may enforce the provisions of this chapter pursuant to the applicable provisions of V.T.C.A., Local Government Code ch. 54, which chapter provides for the enforcement of municipal ordinances.
- (e) Allegation and evidence of a culpable mental state is not required for the proof of an offense defined by this chapter.

(Ord. No. 63-08, § 3(94-30), 10-6-2008)

Sec. 94-83. Informational assistance.

- (a) In furtherance of the purposes and provisions of this article, the town's tree preservation and enforcement officer or authorized designee shall develop and distribute to persons making application for either tree removal permits or tree replanting permits and make available to the general public an informational pamphlet identifying appropriate and useful facts, guidelines and how-to information relative to the preservation, protection and replanting of trees.
- (b) The tree preservation and enforcement officer or authorized designee shall also develop, maintain and make available to applicants for tree removal permits or tree replanting permits and to the general public a tree species reference book to provide more detailed information concerning tree care in general and the characteristics, soil and growth requirements and other traits of specific tree species identified on the town's protected tree list and approved tree planting and replacement list.
- (c) A current edition of the Texas Association of Nurserymen Grades and Standards, as applicable to the tree species on the town's protected tree list and approved tree planting and replacement list, shall be maintained by the tree preservation and enforcement officer or his authorized designee and made available to applicants for building permits, tree removal permits or tree replanting permits and to the general public, as only those trees meeting and planted or replanted in accordance with the applicable Texas Association of Nurserymen Grades and Standards shall satisfy the tree planting, replanting and/or replacement standards and requirements contained in this chapter.

(Ord. No. 63-08, § 3(94-31), 10-6-2008)