



MEMORANDUM

To: Mayor and City Council

From: Gary L. Sieb, Director of Planning

Date: May 12, 2015

Reference: Consider approval of Case No. PD-263R2-SF-9, The Preserve at Oak Grove, a zoning change request from PD-263R-SF-9 (Planned Development-263 Revised-Single Family-9) to PD-263R2-SF-9 (Planned Development-263 Revision 2-Single Family-9), to attach a revised tree preservation/mitigation plan on 3.56 acres of property zoned for nine (9) single-family lots to be located at the extension of Oak Grove Lane..

2030: **Sense of Community, Special Place to Live**

Introduction:

When this case was originally heard, neighborhood opposition was centered on the loss of a substantial numbers of trees. At that time a \$47,000 mitigation fee was required for zoning approval. Since that time a more detailed site analysis (grading and the determination of building footprints) was performed and an additional tree removal fee of \$45,000 would be required, totaling tree mitigation fees of over \$90,000.

The developer is proposing a Tree Preservation Easement on an adjoining lot to more than compensate for the value of the trees that will be removed. This subdivision was carved out of a larger 11-acre lot, all owned by Alford Media. A Tree Preservation Easement Agreement between Alford Media and the owner of this property conveys an 80-foot width along the north boundary of the Alford site and a 50-foot wide parcel along the east portion of the Alford site for permanent tree easement use. This area will be maintained by the Homeowners Association. The City Attorney reviewed the Easement and HOA documents to assure that the perpetual maintenance of the tree preservation easement area was addressed.

Analysis:

On April 16, 2015, the Planning Commission recommended approval (6-1) of the PD amendment to attach a revised Tree Preservation/mitigation plan subject to:

“A PD condition shall be added which states that: Four (4) four-inch caliper overstory trees shall be provided per lot, of which a minimum of one tree shall be placed in the front yard, for a total requirement of 144 caliper inches. If any of the required trees cannot reasonably be accommodated on these lots, then they shall be planted in the common area. If they cannot be planted in either location, then a fee of \$100.00 per caliper inch shall be assessed prior to the issuance of a Building Permit.”

This condition has been added to the Detail Site Plan.

On March 19, 2015, the Planning Commission held under advisement and continued the public hearing to the April 16, 2015, meeting to receive clarification on the perpetual maintenance of this Tree Easement Area.

Legal Review:

This item did not require City Attorney review

Fiscal Impact:

None

Recommendation:

The Planning Department recommends approval

Attachments:

1. Staff Report
2. Engineer's letter of January 22, 2015
3. Tree Easement Agreement (11 pages including exhibits)
4. Detailed Site Plan
5. Tree Survey Removal Plan (Sheet 10A)
6. Tree Inventory List (Sheet 10B)
7. Combined Tree Preservation Easement/Site Plan and Tree Survey Exhibits (Sheets 10C and 10D)
8. Copy of HOA Document titled "Declaration of Covenants, Conditions, and Restrictions" (pgs. 1-17) and "Nine Oaks Association Bylaws (pgs. 24-28)