



CITY OF KYLE

Community Development Department



MEMORANDUM

TO: Planning & Zoning Commission

FROM: Will Atkinson – Director of Planning

DATE: Tuesday, May 23, 2023

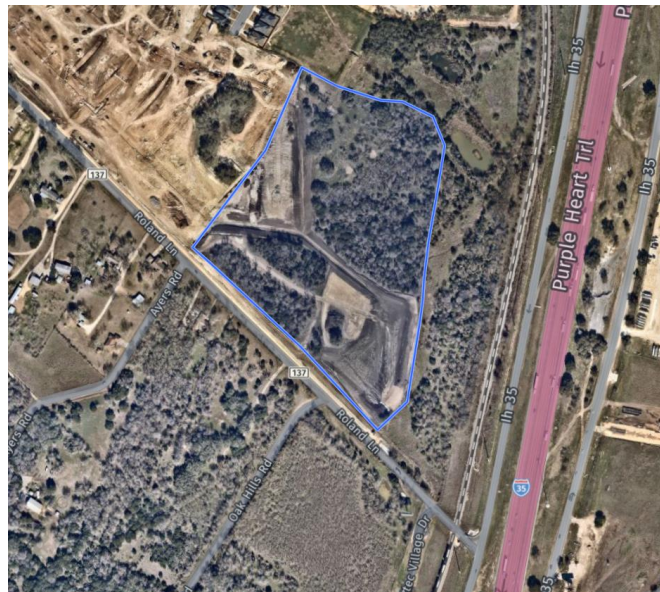
SUBJECT: Tree Mitigation Request (Paramount Sec. 4 Subdivision)

REQUEST

The applicant seeks approval of tree mitigation for the Paramount, Section 4 project.

LOCATION

The property is located at 600 Roland Lane, Kyle, TX 78640.



TEXT OF THE ZONING ORDINANCE

Sec. 54-12(d)(5)

(5)

All reasonable efforts be made to save specimen trees. ("Reasonable effort" includes alternate building design, building location, parking area layout, parking area location, storm water management and equivalent or similar measures.) The removal of specimen trees, which for the purposes of these requirements are trees with 25-inch diameter or greater, must be specifically approved by the planning and zoning commission prior to any action being taken to remove the tree or to damage or disturb the tree in any way. Any specimen tree that is removed shall be replaced inch-for-inch (a ratio of two-to-one) regardless of the location on the site of the specimen tree. Replacement trees installed as a function of compensation for specimen tree removals are in addition to the minimum required tree density for the site.

STAFF ANALYSIS

The Paramount project is a single-family subdivision zoned "R-1-A" (35' wide) and has a development agreement allowing the layout showed as Exhibit A. As the development started design and City staff reviewed the design for Paramount Section 4, it was found that 2 trees would have to be mitigated. The number to mitigated is in addition to the street trees required in the subdivision plan.

When Specimen trees (25" +) are proposed to be removed, the Planning & Zoning Commission must approve the removal. If this is allowed, the applicant must replace the Specimen trees at a 2:1 ratio per caliper inch. This section of the project has 2 specimen trees totaling a replacement of 112 caliper inches. Of these 112 caliper inches, the applicant is able to replace 38 trees (76 caliper inches) on site with a mix of species. Please see the document labeled "Tree Mitigation" in the backup material. This leaves 18 trees at 36 caliper inches that will need a fee paid due to overcrowding of trees in undeveloped areas of the project.

The applicant is asking to pay the mitigation fee in lieu of actual trees (36 inches). This request is consistent with the City of Kyle's Park's Department request of receiving the fee in lieu of trees donated. The total cost for the mitigation will be \$5,400.00 at \$150.00 per caliper inch and paid to the City of Kyle's Tree Fund (for future plantings on public property).

Tree #1828 and #5579 are both healthy trees in excess of 25-inch caliper, and are considered specimen trees per the City of Kyle's tree protection ordinance. Given the proposed grading plan for Paramount Section 4 attempting to keep the trees will end up dying, even if an attempt to preserve the trees occurs. The location where Tree #1828 is,

is partially in the right-of-way and the finished grade will drop the surface level by approximately 5-feet. The location where Tree #5579 is, is entirely inside a residential lot, but the finished grade will be raised by approximately 8-feet. In both cases this will irreparably harm the trees.

RECOMMENDATION

Staff has reviewed the request and found the applicant has fully complied with Chapter 54, relating to tree mitigation. Staff supports removal of Tree #1828 and #5579, given that the applicant has shown they can replace most of the trees on site, with an appropriate portion going to the City of Kyle Tree Fund.

Exhibit A – Concept Plan per Development Agreement

