AGENDA ITEM

TO: Tree Board

THROUGH: Mark Hines, Director of Engineering

FROM: Emily Braht, Landscape Architect

SUBJECT: Conduct a Public Hearing to Consider/Discuss/Act on a Waiver from Section 146-136 to Reduce the Percentage of Quality Trees that must be Preserved in the 100-Year Fully Developed Floodplain to a Percentage Less than the Current Requirement that 70% of Such Trees be Preserved, Located on the East Side of Lake Forest Drive and Approximately 3,300 Feet North of Virginia Parkway

APPROVAL PROCESS: The recommendation of the Tree Board will be forwarded to City Council on April 5, 2016 for final approval.

STAFF RECOMMENDATION: Staff recommends denial of the proposed waiver due to lack of conformance with Section 146-136 (Tree Preservation) of the Zoning Ordinance.

The following variance is being requested by the applicant:

1. Approval of a variance to Section 146-136 (Tree Preservation) of the Zoning Ordinance waiving the requirement to maintain at least 70 percent of the quality trees six inches or greater within the 100-year fully developed floodplain.

APPLICATION SUBMITTAL DATE: February 8, 2016 (Original Application)
February 22, 2016 (Revised Submittal)
March 4, 2016 (Revised Submittal)
March 9, 2016 (Revised Submittal)

ITEM SUMMARY: The applicant is requesting a waiver to Section 146-136 (Tree Preservation) of the Zoning Ordinance. The waiver must be considered by the Tree Board, whose recommendation will be forwarded on to the City Council for final approval. Per this section of the Ordinance, only the City Council can grant a waiver to the tree preservation section of the Ordinance.

PLATTING STATUS: The subject property is currently unplatted. Subsequent to the approval of the preliminary-final plat/replat, a record plat or plats, subject to review and

approval by the Director of Planning, must be filed for recordation with the Collin County Clerk, prior to issuance of a building permit.

ZONING:

Location	Zoning District (Permitted Land Uses)	Existing Land Use
Subject Property	"SF5" – Single Family Residential District (Single Family Residential Uses)	Undeveloped Land
North	"AG" – Agricultural District (Agricultural Uses) and "PD" – Planned Development District Ordinance No. 2004-09-091 (Park Uses)	Undeveloped Land
South	"RS-84" – Single Family Residence District (Single Family Residential Uses)	The Church of Jesus Christ of Latter-Day Saints
East	"AG" – Agricultural District (Agricultural Uses)	Undeveloped Land
West	"AG" – Agricultural District (Agricultural Uses)	Single Family Residence

ACCESS/CIRCULATION:

Adjacent Streets: Lake Forest Drive, 120' Right-of-Way, Greenway Arterial

TREE PRESERVATION ORDINANCE: Per Section 146-136 (Tree Preservation) of the Zoning Ordinance, within the 100-year fully developed floodplain, no more than 30 percent of quality trees that are six inches DBH (diameter at breast height) or greater may be critically altered (70 percent be maintained). The applicant is requesting a variance to remove up to 76 percent of quality trees within the floodplain on the subject property (24 percent maintained).

The Zoning Ordinance states that a waiver to the terms of the tree preservation section may be made, with the Tree Board and City Council considering the following factors in making a determination:

1. The literal enforcement cannot be accomplished;

2. The extent to which the application meets other standards of this section;

3. The positive or negative impact of the proposed project on surrounding properties; and

4. The extent to which the waiver would be mitigated by other proposed or existing landscaping.

This section of the Ordinance was adopted in 2006 after developer and resident feedback, with the specific intent to prohibit clear-cutting, protect and increase the value of residential and commercial properties, maintain and enhance a positive image of the City, and protect healthy, quality trees and protect the ecological, environmental, and aesthetic qualities of the City. This is the first variance request to this section of the Ordinance since its adoption.

This site specifically is inundated with mature quality trees within the Wilson Creek corridor, a total of 677 trees of which only 24 trees are considered non-quality trees. Many of these trees are mature pecan trees, planted in 1973. While the pecan trees were planted (as opposed to foresting naturally), the trees were never intended to be for sale, and do not qualify as a tree nursery. As such, these trees are protected by this portion of the Ordinance.

There are forty residential lots proposed. Of the 605 quality trees within the floodplain on the subject property, 149 trees are to remain including four specimen trees (42 inches or greater in diameter) with the total number of quality trees to be removed within the floodplain at 456 quality trees, and the total removal of trees on the subject property at 504 quality trees. Since removal of over 30 percent is not allowed within the Ordinance, there is no mitigation for these trees mentioned within the Ordinance. The applicant has stated their intent to mitigate this tree removal by providing two (2) canopy trees per lot; however, this is a requirement of the Zoning Ordinance for all single family residential developments to be provided regardless of the tree preservation status, and is not considered mitigation for the removal of quality trees within the floodplain.

While Staff did recommend approval of the rezoning request for this property, at the time, the applicant had not completed any engineering studies, and it was noted in the Staff report that Staff had concerns regarding the ability of the site to develop given the extensive floodplain. It was advised that upon completion of necessary engineering, variances may be required for the property to develop. Staff is of the opinion that the removal of such a large number of quality trees is in conflict with the Ordinance and will not only set a precedent for future developments to remove large quantities of protected trees, but will also have negative impacts on the floodplains and natural areas of the City with further reaching effects on the City's Hike and Bike Trail system and future City park land.

The 2009 Parks, Recreation and Open Space Master Plan states the following: "One of the most visible natural features in McKinney is the floodplain environment that surrounds Wilson Creek… and other creeks and drainage ways across the City" – it is primarily these areas that make McKinney *Unique by Nature.* Through the public input process, a very strong level of support was exhibited for protecting and preserving open space within the floodplain; in fact, "preserving environmentally sensitive areas such as natural creek corridors" ranks as the most important development strategy in the telephone survey. One of the issues that arose multiple times through the public input process was the importance of better balancing the growth of urban development with the preservation of open space to keep McKinney "'green' – literally and figuratively."

There are two Parks, Recreation and Open Space master Plan goals, one of which is "Preserve and protect open space, cultural landscape and natural resources within the City."

One of the DRAFT Guiding Principles of the ONE McKinney 2040 Policy Direction that have been developed for the Comprehensive Plan Update is as follows: "McKinney's trees, open spaces and natural areas are nurtured so they contribute to the daily experience of residents and employees throughout McKinney."

A variance not only is in conflict with the ordinance, Parks Masterplan, but also the proposed City Comprehensive Plan.

With only 24 percent of trees being preserved, Staff recommends denial of the requested variance.

OPPOSITION TO OR SUPPORT OF REQUEST: Staff has received sixteen letters in opposition to this request and five phone calls.

ATTACHMENTS:
- Location Map and Aerial Exhibit
- Letter of Intent
- Letters of Opposition
- Proposed Tree Preservation Plan with Lot Layout – Informational Only
- PowerPoint Presentation