

T-01-22

Title: Petition for a Tree Removal Permit, submitted by Whalen Custom Homes, LLC, for the removal of 29.2% of the tree canopy for development of the property at 13270 Maple Drive.

Owner: Whalen Custom Homes
338 South Kirkwood Road, Suite 105
Kirkwood, Missouri 63122

Date: November 2022



*Maps are for informational use only. Not a representation of the project.

Summary:

This Petition is for a Tree Removal Permit, to remove 69,983 (1.61 acres) or 29.22% of the tree canopy at 13270 Maple Drive. The property is located on the east side of Maple Drive, approximately 290 feet south of Kahlia Way Court. The property is currently zoned PD-R Planned Development – Residential. The surrounding properties are part of the Tapawingo Development and zoned PD-MXD Planned Development – Mixed Use.

Project overview:

- Site area: The property consists of 10.41 acres;
- Proposed development: Ten (10) detached, single family residential lots;
- Lot sizes: 0.50 to 1.00 acre;
- Wooded area: 209,369 square feet (4.81 acres);
- Individual tree canopy: 30,111 square feet (0.69 acres);
- Total existing tree canopy: 239,480 square feet (5.50 acres);
- Proposed tree canopy to be removed: 69,983 (1.61 acres).

History & Staff analysis:

This property was originally developed circa 1910 as a vacation property.

Starting in the 1970s, the Servants of the Paraclete occupied the property.

In 2010, the property was sold to the current owners, the Moore Family.

In 2012, a petition was submitted to the City to operate a cultural center/library on the property. That petition was denied.

From approximately 2016-2020, Lindbergh School District used the property for administrative activities.

In March 2022, Ordinance 2234 and 2235 were approved to change the zoning of the property from R-1 Single Family Residential – 1 acre minimum lot size to R-2 Single Family Residential – 20,000 square foot minimum lot size and then to PD-R Planned Development – Residential. Ordinance 2236 was also approved at that time for a Preliminary Development Plan.

At the October 5 Planning & Zoning Commission Meeting, Improvement Plans for this project were approved and the Commission recommended approval of the Final

Development Plan with several conditions. A Tree Removal Permit/Tree Preservation Plan requires approval from the Park Board and the Planning & Zoning Commission prior to the Board of Aldermen voting on the Final Development Plan or Record Plat. The Board is scheduled to have the first reading on November 8, second reading and vote on December 13.

Per Chapter 27 Section 27-71

- (a) Tree removal associated with construction or development activities. On tracts of land that are equal to or greater than two (2) acres in size, a tree permit, as issued by the director of planning and development, is required to remove or destroy ten thousand (10,000) square feet or more of tree canopy coverage within a five-year period (from the date the permit is issued) on each individual tract of that size. The removal of diseased, or dead trees, and trees that are a public nuisance is exempt. The property owner or developer must apply for and secure the tree permit before any removal or destruction commences. An application for a tree removal permit shall be submitted to the office of the director of planning and development and pursuant to this section, and shall include the following:
 - (1) Tree preservation plan, site plan and a landscape plan prepared by a certified arborist, certified forester, landscape architect or other professional as approved by the city engineer, for approval by the planning and zoning commission and tree board.
 - (2) A surety or cash escrow for the benefit of the city to account for trees that die, or are damaged beyond repair, as a result of grading or construction damage within a one-year period after the issuance of the final occupancy permits. The amount of the surety required shall be in the amount of two thousand five hundred dollars (\$2,500.00) for each acre (or fraction thereof) of the tree preservation area, or five thousand dollars (\$5,000.00) whichever is greater.

- (c) Required tree protection. On tracts of land equal to or greater than two (2) acres in size, no more than seventy percent (70%) of the existing tree canopy coverage may be cleared or developed. The remaining thirty percent (30%) shall be maintained without disturbing the roots of trees in the protected area. Any valued trees removed during development that exceeds the thirty percent (30%) canopy protection provision are subject to the replacement provisions outlined in subsection (d).
- (d) Required tree replacement. Replacement of trees is required when the tree protection requirements in subsection (c) cannot be met. Tree replacement shall occur in a sufficient quantity to create tree canopy coverage on the site equal to thirty percent (30%) of the existing tree canopy coverage. New trees to be planted shall be no less than two inches (2") in caliper and no greater than four inches (4") in caliper unless otherwise approved by the director of planning and development. Each newly planted tree shall account for four hundred (400) square feet of tree canopy coverage towards the required replanting. If sufficient space on-site is not available for replanting, the required number of trees, the owner/developer may either provide replacement trees for planting on city property where the city permits or, in lieu thereof, may make a payment to the city at a monetary value of one hundred dollars (\$100.00) per tree with a cap of two thousand five hundred dollars (\$2,500.00) per acre.

Staff recommendation:

Based on the information provided by the petitioner, staff is recommending approval of this petition. A Tree Removal Permit/Tree Preservation Plan requires a meeting and approval by the Park Board and the Planning & Zoning Commission. No action is required by the Board of Aldermen.