

MAYOR AND CITY COUNCIL COMMUNICATION

DATE: May 6, 2025

TO: Mayor and City Council

FROM: Susana Huerta, AICP, Planning and Zoning Director

THROUGH: Crystal Caldera, Ph.D., City Manager

SUBJECT: Consider Approval of a Request for Variance to the Leon Valley Code of Ordinances, Chapter 13, Tree Preservation, Article 13.02 Tree Preservation Ordinance, Division 3. Requirements and Restrictions, Sec. 13.02.074 Preservation Requirements, Sec. 13.02.075 Removal, Replacement or Relocation of Medium and Large Trees, Sec. 13.02.076 Replacement Trees Required; Penalties, (a) and (b), Sec. 13.02.80 Heritage tree removal prohibited; penalties, to Allow the Removal of three (3) Heritage, and one (1) Large Tree, and to Pay a Reduced Fee-In-Lieu of from \$10,600 to \$1,500.00 in Tree Mitigation Fees, Located at 5305 Wurzbach Road, Lot 22, Block 4, CB: 9904, Rollingwood Ridge-Wurzbach Subdivision, on Approximately 1.43 Acres of Vacant Land

SPONSOR(S): N/A

PURPOSE

Applicant/

Property Owner: Scott Milgrom, Wake Up and Live Investments

Site: The property is located at 5305 Wurzbach Road. The owner of the property would like to build a new commercial building on a currently vacant lot.

Staff Comments:

- The site plan indicates the removal of three (3) Heritage and one (1) large trees from the site to provide for construction of a new commercial building.
- The applicant will be maintaining 70% of the current trees on the property.
- Tree mitigation fees in the amount of \$10,600 would be due to the city. They are requesting a reduction request for a variance of \$9,100 and only pay \$1,500 for fee-in-lieu.
- City Code mandates that for each medium tree removed, one tree of 6" or more in diameter be planted and for each large tree, one tree of 8" or more in diameter be planted.
- City Code prohibits the removal of any heritage trees, regardless of species.

- The Code further states that up to 25% of all required trees may be mitigated rather than preserved, unless insufficient land area exists on which to plant the required total caliper width of replacement trees, then the “cash in lieu of” amount may be increased up to 50% of the required replacement tree amount.
- City Code states that variances may be granted after consideration and recommendation by the City Council where literal enforcement of the provision of this article will result in unnecessary hardship. No variance may be granted unless:
 - (1) Such variance will not be contrary to the public interest;
 - (2) Such variance will be in harmony with the spirit and purposes of the article;
 - (3) The variance sought is due to unique circumstances existing on the property, and the unique circumstances were not created by the owner of the property and are not merely financial;
 - (4) The variance will not substantially weaken the general purposes of the Tree Preservation Ordinance.

FISCAL IMPACT

The mitigation plan will result in the planting of appropriate tree species and an increase of \$1,500.00 in the Tree Mitigation Fund, which supports additional tree planting at approved sites in Leon Valley. The proposed new commercial building will increase the City’s sales and ad valorem tax base.

RECOMMENDATION

At the City Council’s discretion.

APPROVED: _____ DISAPPROVED: _____

APPROVED WITH THE FOLLOWING AMENDMENTS:

ATTEST:

SAUNDRA PASSAILAIGUE, TRMC
 City Secretary