



Consider Amending
Resolution 22-009R
Tree Removal Variance Request
7213 Huebner Road

Melinda Moritz
Director of Public Works
City Council Meeting
February 7, 2023

Summary

- Question

- Whether to amend a Resolution granting a Tree Variance by Cude Engineering, to allow the removal of an additional 30 medium, 14 large, and 9 heritage trees and increasing the fee in lieu, for a total amount of \$135,150

- Options

- Approve the amendment request
- Deny
- Other

- Declaration

- To accommodate the orderly development of this lot, it is recommended the City Council approve the request

Purpose

- To consider amending Resolution No. 2022-009R
- To Allow the removal of an additional 30 medium, 14 large, and 9 Heritage trees
- At Poss Landing Subdivision, 7213 Huebner Road

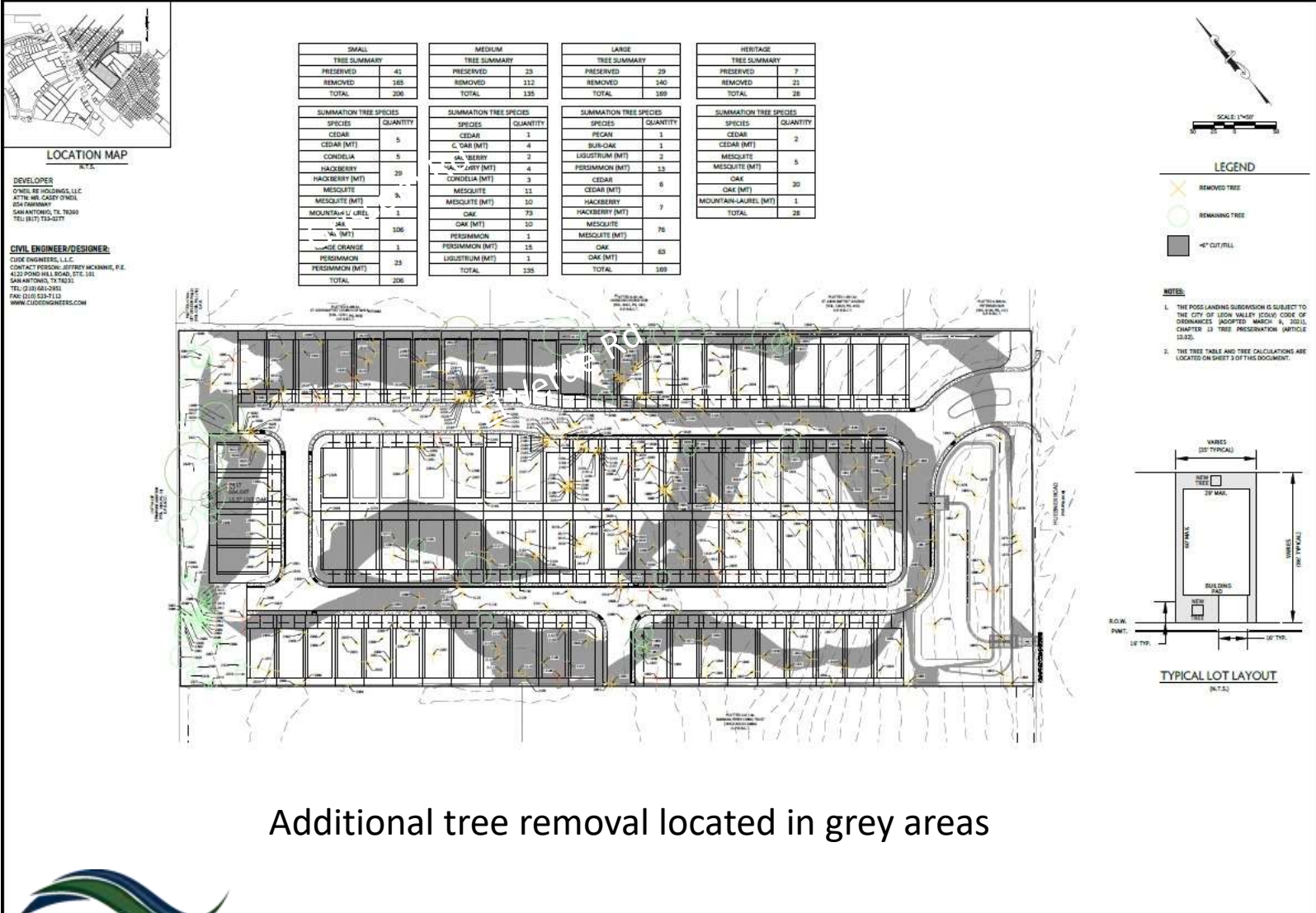
Background

- 2021/22 – City Council approved rezoning property to Planned Development District
- 5/3/22 – Council approved a variance request to remove 80 medium, 110 large, & 7 Heritage trees from the property
- 7/26/22 – Plat approved
- Replacement Plan is to plant 2 trees per lot (86 lots = 172 new trees)
- Tree Mitigation fees were \$59,150

Background

- After design & layout, realized that more area would need to be graded for homes, streets, drainage, etc., resulting in the necessity for removal of additional trees
- This request is to allow the removal of an additional 30 medium, 14 large, and 9 Heritage trees from this site and to allow an increase to the “cash in lieu of” tree mitigation fees from \$59,150 to \$135,150

New Tree Removal Plan



Additional tree removal located in grey areas

Background

- City Code mandates that for each medium tree removed, 1 tree of 6” or more in diameter be planted and for each large tree, 1 tree of 8” or more in diameter be planted
- City Code prohibits the removal of any heritage trees, regardless of species
- Code further states up to 25% of required trees may be mitigated rather than preserved, unless insufficient land area exists to plant the required total caliper width of replacement trees, then “cash in lieu of” amount may be increased up to 50% of the required replacement tree amount
- They are requesting to mitigate 37% in fees

New Mitigation Summary

TREE INCHES	P	R
HERITAGE	178	501
LARGE	412	2045.5
MEDIUM	186.5	1060
SMALL	255.5	1015.5
TOTAL	1032	4622

<u>REQUIRED MITIGATION (INCHES)</u>	
HERITAGE	501
LARGE	992
MEDIUM	660
TOTAL INCHES	2153
TOTAL COST	\$ 215,300.00

TREES (COUNT)	P	R
HERITAGE	6	16
LARGE	26	124
MEDIUM	20	110
SMALL	48	188
TOTAL	100	438

<u>REVISED MITIGATION PROVIDED</u>		
LOT TREES	DIA. NEW TREES	3
	# LOTS	86
	# TREE/LOT	2
		516
LANDSCAPE	DIA. NEW TREES	3
	# LOTS	10
		30
SMALL TREE CREDIT		255.5
REMAINING (INCHES)		1351.5
MITIGATION FEE		\$135,150.00

APPROVED VARIANCE	R
HERITAGE	7
LARGE	110
MEDIUM	80

MITIGATION %	37%
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Code Requirements

- City Code states:
 - Variances may be granted after consideration and approval of the City Council, where a literal enforcement of the provision of the Article will result in unnecessary hardship
 - No variance may be granted unless:
 - Such variance will not be contrary to the public interest;
 - Such variance will be in harmony with the spirit and purposes of the article;
 - 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;
 - The variance will not substantially weaken the general purposes of the Tree Preservation Ordinance.

Fiscal Impact

- Tree mitigation fees in the amount of \$135,150 will be paid into the Tree Mitigation Fund
- This fund is restricted to supporting additional tree planting at approved sites in Leon Valley
- The granting of this variance would facilitate the development of new housing, which will increase the city's sales and property tax base

Recommendation

- Staff recommends approval of this request, as the land has already been rezoned and platted

S.E.E. Statement

- Social Equity - The request will facilitate the development of more housing in Leon Valley
- Economic Development - The request will promote development and an increase in sales and property tax
- Environmental Stewardship - The request mitigates the removal of trees with the planting of native tree species and provides funding for planting trees in public areas