

MAYOR AND COUNCIL COMMUNICATION

DATE: December 17, 2024

TO: Mayor and Council

FROM: Susana Huerta, Planning and Zoning Director

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

SUBJECT: Consider Approval of a Request for a Variance to 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 Small, Medium and Large Trees, Sec. 13.02.076 Replacement Trees Required; Penalties, (a) and (b), to Allow the Removal of One (1) Medium, and Three (3) Large Trees, and to Pay a Reduced Fee-In-Lieu of from \$4,400 to \$1,500.00 in Tree Mitigation Fees, Located at 7408 Linkwood Street, Being Lot 2, Block F, CB 4446A, Linkwood Addition Subdivision, on Approximately 0.17 Acres of Land.

SPONSOR(S): N/A

PURPOSE

**Applicant/
Property Owner:** Leticia Chapa

Site: The property is located at 7408 Linkwood Street. The owner of the property would like to build a home on the lot.

Staff Comments:

- The site plan indicated the removal of one (1) medium and three (3) large trees from the site to provide for construction of a new custom home and driveway. They will be removing 14 trees from the site of which 10 are dead or dying.
- The applicant will be planting nine (9) trees with a 3" diameter, including six (6) Crape Myrtles, one (1) Mexican Laurel/Mexican Olive and two (2) Mountain Laurels/yaupon/redbud.
- Tree mitigation fees in the amount of \$4,400 would be due to the city. They are requesting a reduction of \$2,900, which would reduce the payment to \$1,500 for a 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 home will increase the City’s property tax base.

RECOMMENDATION

At the City Council’s discretion.

APPROVED: _____ DISAPPROVED: _____

APPROVED WITH THE FOLLOWING AMENDMENTS:

ATTEST:

SAUNDRA PASSAILAIGUE, TRMC
 City Secretary