

MAYOR AND COUNCIL COMMUNICATION

DATE: September 17, 2024

TO: Mayor and Council

FROM: Melinda Moritz, Public Works 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, and Sec. 13.02.080 Heritage Tree Removal Prohibited; Penalties, (a) and (b), to Allow the Removal of 24 Medium, 21 Large, and 36 Heritage trees, and Pay a Reduced Amount in Tree Mitigation Fees, Located in the Vicinity of Aids Drive, Being Grass Hill Estates Subdivision and P-13, ABS 432, CB 4430, on Approximately 32 Acres of Land

SPONSOR(S): None

PURPOSE

**Applicant/
Property Owner:** One Stop Group

Site: The property is located in the vicinity of Aids Drive, being Grass Hill Estates Subdivision and P-13, ABS 432, CB 4430, on approximately 32 acres of land. The site is being developed as a residential subdivision.

Staff Comments:

- The site plan indicated the removal of 24 medium, 21 large, 36 heritage trees, and nine dead trees from the site to provide for construction, adequate circulation, and fire protection on the approved PDD site plan. They will be keeping one 45" diameter Live Oak heritage tree.
- The applicant will be planting 410 1-1/2" trees that are native to the area, at two trees per lot and additional trees in the planned open space areas.
- Tree mitigation fees in the amount of \$92,400 would be due to the city; however, the applicant is requesting the tree mitigation fees be capped at \$25,000, reasoning that most of the trees being removed are not native to the area and are considered invasive. He also states that the cost for the removal and disposal of

the trees should be taken into consideration by the City Council.

- 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 \$92,400 in the Tree Mitigation Fund, or, if the reduction in fees is granted, \$25,000, which supports additional tree planting at approved sites in Leon Valley. The increase in residential homes will increase the City’s sales and property tax base.

RECOMMENDATION

At the City Council’s discretion. The property has already been rezoned and the applicant is ready to move forward with clearing the land.

APPROVED: _____ DISAPPROVED: _____

APPROVED WITH THE FOLLOWING AMENDMENTS:

ATTEST:

SAUNDRA PASSAILAIGUE, TRMC
City Secretary