

## MAYOR AND COUNCIL COMMUNICATION

**DATE:** October 15, 2024

**TO:** Mayor and Council

**FROM:** Roque Salinas, Director of Economic Development

**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 22 Medium, 72 Large, and 21 Heritage trees, and Pay \$85,200.00 in Tree Mitigation Fees, Being 7205 Huebner Road, P-46, ABS 664, CB 4446 on Approximately 5.9-Acres of Land.

**SPONSOR(S):** None

### PURPOSE

**Applicant/  
Property Owner:** Century Communities

**Site:** The property is located at 7205 Huebner Road. The site is being developed as a residential subdivision.

### **Staff Comments:**

- The site plan indicated the removal of 22 medium, 72 large, 21 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 nine (9) heritage and large trees with total of 203" diameter.
- The applicant will be planting 150 trees with a 3" diameter 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 \$85,200 would be due to the city.
- 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 \$85,200.00 in the Tree Mitigation Fund, 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:

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ATTEST:

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**SAUNDRA PASSAILAIGUE, TRMC**  
City Secretary