

MAYOR AND COUNCIL COMMUNICATION

DATE: November 19, 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 17 Medium, and Six (6) Large Trees, and to Pay a Reduced Fee-In-Lieu of from \$7,100 to \$1,775.00 in Tree Mitigation Fees, Located in the 5600 Block of Grissom Road, Lots 4 and 5, Block 102, CB 4433, Timberhill Apartments Subdivision, on Approximately 2.32-Acres of Land.

SPONSOR(S): None

PURPOSE

**Applicant/
Property Owner:** Oxeye Development

Site: The property is located in 5600 block of Grissom Road. The site is being developed as an Automatic Car Wash (Jet Shine Car Wash).

Staff Comments:

- The site plan indicated the removal of 17 medium and 6 large trees from the site to provide for construction, adequate circulation, and parking for the proposed site of the Jet Shine Car Wash. They will be keeping 22 trees.
- The applicant will be planting 14 trees with a 3" diameter that are native to the area, including three (3) live oaks, two (2) Cedar Elms, four (4) Mexican Sycamores and five (5) Shumard Oaks.
- Tree mitigation fees in the amount of \$7,100 would be due to the city. They are requesting a variance to reduce the amount of fees in lieu of planting to \$1,775.
- 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.
- 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 \$1,775.00 in the Tree Mitigation Fund, which supports additional tree planting at approved sites in Leon Valley. The proposed car wash will increase the City’s sales and ad valorem tax base.

RECOMMENDATION

At the City Council’s discretion. The property has already been rezoned and replatted, and the applicant is ready to move forward with his development.

APPROVED: _____ DISAPPROVED: _____

APPROVED WITH THE FOLLOWING AMENDMENTS:

ATTEST:

SAUNDRA PASSAILAIGUE, TRMC
City Secretary