

DEPARTMENT: Development Services

DEPARTMENT HEAD: Michael Shannon

COUNCIL DISTRICTS IMPACTED: ETJ

PROJECT: TRE-APP-APP22-38802212 TPV 23-131 REQ-CMROAEVR-23-444000007 Del Rio Subdivision MP 225.85 to MP 228.78 Bexar Siding Rail

POSTING LANGUAGE:

TPV 23-131: Requested by Mr. Ricky Wilson., with HDR for a variance to remove trees in excess of the 80% Tree Stand and 100% heritage tree preservation requirements within both the 100-year Floodplain and Environmentally Sensitive Areas as stated under the 2015 Tree Preservation Ordinance for Del Rio Subdivision MP 225.85 to MP 228.78 Bexar Siding Rail , generally located adjacent to the Union Pacific Rail Road (UPRR) mainline track near the intersection of Loop 1604 and Macdona Lacoste Road. Staff recommends approval. Charles Johnson Senior Plans Examiner, (210)-207-0170, reviewer's email, Development Services Department).

SUBJECT:

Variance Request to mitigate for removal of Tree Stand and heritage trees in excess of the 80% and 100% respective preservation requirements of Tree Stand and heritage trees within both the 100-year Floodplain & Environmentally Sensitive Areas in place under the 2015 Tree Preservation Ordinance

BACKGROUND INFORMATION:

Council District: ETJ

Filing Date: February 3, 2023

Applicant: Mr. Ricky Wilson with HDR

Staff Coordinator: Charles Johnson, 210-207-0170, Charles.johnson2@sanantonio.gov

SUMMARY:

The Development Services Department (DSD) has reviewed the information presented in Mr. Ricky Wilson on February 3, 2023. The Unified Development Code (UDC) – Article V, Section 35-523 (h), 100-Year Floodplain(s) and Environmentally Sensitive Areas (ESA) states that, “Significant trees shall be preserved at eighty (80) percent preservation within both the 100-year floodplains and Environmentally Sensitive Areas (ESA). Heritage trees shall be preserved at one hundred (100) percent preservation within both the 100-year floodplain and environmentally sensitive areas. Mitigation shall be prohibited in floodplains and environmentally sensitive areas except when a variance is granted by the Planning Commission.”

The applicant is requesting a Variance Request to mitigate for removal of Tree Stand and heritage trees in excess of the 80% and 100% Tree Stand and heritage tree respective preservation requirements within the 100-year Floodplain and Environmentally Sensitive Areas (ESA) in place under the 2015 Tree Preservation Ordinance for the Del Rio Subdivision MP 225.85 to MP 228.78 Bexar Siding Rail. The proposed project focuses on developing a 3-mile-long adjacent siding track to facilitate interstate rail commerce. DSD staff does agree with the applicant's request to mitigate for the removal of significant tree canopy below 80% and heritage trees below 100% tree preservation for the following reasons:

1. *Existing site conditions* – Due to existing site conditions and design and layout constraints, the project is unable to preserve the minimum 80% of the tree canopy and 100% of heritage trees within both the 100-year Floodplain and ESA. The proposed removal of the significant tree canopy and heritage trees is needed primarily due to increase interstate rail traffic. The additional siding will facilitate rail passage to accommodate travel times and schedules.
 - a. 100-year Floodplain Tree Stand (Square Feet)= 29,454 Square Feet removed, 203,253 Square Feet preserved 84% preservation ratio, 320.4 inches of required mitigation
 - b. 100-year Floodplain Heritage trees = 213 inches removed (4 trees), 61 inches preserved 0% preservation ratio, 639 inches of required mitigation
 - c. Environmentally Sensitive Area Tree Stand (Square Feet)= 31,168 Square Feet removed, 35,713 Square Feet preserved, 53 % preservation ratio, 351 inches of required mitigation
 - d. Environmentally Sensitive Area Heritage trees = None Present
2. *Tree mitigation*– The total mitigation required for the removal of Tree stand and heritage trees within both the 100-year Floodplain and ESA is 989. UPRR will pay \$197,940.00 to the Tree Mitigation fund because there is no available space for planting. .

DSD staff supports the applicant's request to fall below the minimum required preservation of 80% significant tree canopy and 100% heritage trees within both the 100-year Floodplain and ESA based on the conditions of the site and the demands of interstate commerce. The proposed Variance Request meets the intent and spirit of the Tree Ordinance therefore, staff recommends approval.

ISSUE:

The applicants project proposes removal of Tree Stand and heritage trees in the Floodplain and ESA and does not meet the required minimum preservation of 80% Tree Stand and 100% Heritage trees within the 100-year Floodplain and Environmentally Sensitive Areas.

ALTERNATIVES:

Planning Commission may decide to deny the variance, which means the applicant will have to provide additional mitigation or comply with the Tree Preservation Ordinance.

RECOMMENDATION:

DSD staff recommends approval of the proposed variance.