



# City of San Antonio

## Agenda Memorandum

**File Number:**  
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**Agenda Item Number:** {{item.number}}

**Agenda Date:** July 12, 2023

**In Control:** Planning Commission Meeting

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**DEPARTMENT:** Development Services Department

**DEPARTMENT HEAD:** Michael Shannon

**COUNCIL DISTRICTS IMPACTED:** District 2

### **SUBJECT:**

Variance Request to mitigate for removal trees in excess of the 80% significant tree preservation requirement within both the 100-year Floodplain and Environmentally Sensitive Areas as stated under the 2010 Tree Preservation Ordinance.

### **SUMMARY:**

The Development Services Department (DSD) has reviewed the information presented in Mr. Jon Robinson's letter. 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 area except when a variance is granted by the Planning Commission."

The applicant is requesting a Variance Request to mitigate for removal of trees in excess of the 80% significant tree preservation requirement within both the 100-year Floodplain and Environmentally Sensitive Areas as stated under the 2010 Tree Preservation Ordinance in place under the 2010 Tree Preservation Ordinance for the OAKMOUNT LOOP 410.

The proposed project focuses on developing a large industrial distribution center and associated parking lot for the OAKMOUNT LOOP 410. DSD staff does agree with the applicant's request to mitigate for the removal of significant trees below 80% tree preservation requirement within both the 100-year floodplains and Environmentally Sensitive Areas (ESA) for the following reasons:

**1. Existing site conditions** – The undeveloped industrially zoned parcel consist of 39.763 acres with 158,507'sf made up of 100-year floodplain and 65,611'sf made up of the 30' Environmental Sensitive Area. This project was originally approved and permitted in January 2022 with construction completed recently. During the construction finalization, the contractor removed additional trees within the 100-year Floodplain and Environmental Sensitive Area that were originally approved with 85" caliper inches preserved, 89% preservation within 100-year Floodplain & with 98" caliper inches preserved, 83.2% preservation within the ESA. No existing heritage trees within the 100-year Floodplain or 30' ESA. Due to the inadvertent tree removal, a Post Permit Tree Resubmittal was submitted and is accounting for 100% tree removal and tree preservation mitigation within the 100-year Floodplain and ESA. In addition, the \$2,000 Work Without an Approved Permit Penalty Fee was assessed for going beyond the approved tree preservation limits. As a result, a variance request was required to the Tree Preservation Plan.

**a. Environmentally Sensitive Area Tree Survey – Large Significant Species**

- 119' x 80% = 95.2' total required tree preservation
- 55" total large significant inches preserved
- 64" total large significant inches removed
- 46.2% preservation ratio
- 40.2" total required mitigation

**b. 100-Year Floodplain Tree Survey Tree Survey – Large Significant Species**

- 96" x 80% = 76.8' total required tree preservation
- 40" total large significant inches preserved
- 56" total large significant inches removed
- 41.6% preservation ratio.
- 36.8" total required mitigation.

**Total combined tree preservation mitigation for the Environmentally Sensitive Area, Floodplain and Heritage tree removal is 77" inches.**

**2. Tree mitigation** – Due to the ultimate project size, the proposed 640,000' distribution center and associated tractor trailer parking lot, the original planting design accounted for all allowable open planting space for the required tree preservation mitigation and required landscape compliance electives. The owner has elected to pay 100% for the tree preservation mitigation deficit due to no additional open area for planting. Owner will pay for the remaining tree

preservation mitigation balance of 77” inches at \$200 per inch totaling \$15,400.

DSD staff supports the applicant’s request to remove trees in excess of the 80% significant tree preservation requirement within both the 100-year Floodplain and Environmentally Sensitive Areas based on the conditions of the site, maximized industrial structure and parking size, and no additional open space for adequate planting. The proposed Variance Request meets the intent and spirit of the Tree Ordinance therefore, staff recommends approval.

## **BACKGROUND INFORMATION:**

Council District: 2

Filing Date: March 15, 2023

Applicant: Jon Robinson, P.L.A., with Horizon Design and Development, Inc.

Staff Coordinator: Jacob Sanchez, Assistant City Arborist, 210-207-0161,  
jacob.sanchez@sanantonio.gov

## **ISSUE:**

The applicants project proposes to remove trees in excess of the 80% significant tree preservation requirement within both 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.