



# City of San Antonio

## Agenda Memorandum

**File Number:**  
**{{item.tracking\_number}}**

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

**Agenda Date:** April 13, 2022

**In Control:** Planning Commission Meeting

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**DEPARTMENT:** Development Services Department

**DEPARTMENT HEAD:** Michael Shannon

**COUNCIL DISTRICTS IMPACTED:** District 4

### **SUBJECT:**

Variance Request to mitigate for removal of significant trees in excess of the 80% tree preservation requirements and below 100% preservation of heritage trees within the Floodplain & Environmentally Sensitive Areas in place under the 2010 Tree Preservation Ordinance.

### **SUMMARY:**

The Development Services Department (DSD) has reviewed the information presented in Mr. Jason Lochte's letter dated February 24, 2022. The Unified Development Code (UDC) – Article V, Section 35-523 (h), 100-Year Floodplain(s) and Environmentally Sensitive Areas states that, "Significant trees shall be preserved at eighty (80) percent preservation within both the 100-year floodplains and environmentally sensitive areas. 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 heritage trees in excess of the 100% preservation requirements within the 100-year Floodplain and to

remove significant trees in excess of the 80% preservation requirements within Environmental Sensitive Area (ESA) in place under the 2010 Tree Preservation Ordinance for construction of the Madison Market New Pad Site project. DSD staff does agree with the applicant's request to mitigate for the removal of significant trees below 80% and heritage trees below 100% for the following reasons: Existing site conditions – Recent channel improvements downstream by TXDOT and the expansion of the area of the property covered by the FEMA regulated floodplain has led the property owner to abandon plans to develop the eastern portion of the property. To recover some of that lost value, there is an opportunity to add another pad site on the west side of the creek at Potranco Road. This also has led to the increase of the 900 series lot to cover a much larger area that is now inundated by the FEMA floodplain. In order to create this new building pad and expand the limits of the 900 series lot, grading within the floodplain must be done. Due to the extents of tree removal to re-grade the floodplain, the site is unable to meet the minimum tree preservation requirements.

- Floodplain Heritage Inches = 83 inches total (3 trees), 59 inches removed (2 trees), 24 inches preserved (1 tree), 28.91% preservation ratio, 177 inches of required mitigation.
- ESA Significant Inches = 116 inches total (8 trees), 108 inches removed (7 trees), 8 inches preserved (1 tree), 6.89% preservation ratio, 85 inches of required mitigation.
- Tree mitigation and canopy cover – The total mitigation required for removing the ESA significant trees stand and floodplain heritage trees is 262 caliper inches. The owner proposes to mitigate by planting (28)-2-inch caliper trees and (4)-3" caliper trees of different varieties planted along the edge of the development for a total of 68 caliper inches. The remaining 194 inches will be paid into the tree mitigation fund, or \$38,800. The 32 trees that will be planted for mitigation and canopy requirements, in addition to the existing preserved trees will, at maturity, provide 5,520 square feet of canopy cover which is 822 square feet more than required.

DSD staff supports the applicant's request to fall below 80% significant trees preservation within the ESA and to fall below 100% of heritage tree preservation requirements within the 100-year Floodplain based on the proposed plan to meet tree mitigation requirements by upsizing mitigation trees from 1.5 inches to 2 inches and 3 inches, planting species diversity, meeting mitigation and exceeding tree canopy cover requirements by 822 square feet. The proposed Variance Request meets the intent and spirit of the Tree Ordinance therefore, staff recommends approval.

## **BACKGROUND INFORMATION:**

Council District: 4

Filing Date: September 9th, 2021 Cooper Lochte on behalf Rohde Realty

Applicant/Project Manager: Jason Lochte

Staff Coordinator: Herminio Griego, Assistant City Arborist, 210-207-6042  
herminio.griego@sanantonio.gov

## **ISSUE:**

The applicants project proposes removal of significant and heritage trees in the floodplain and ESA and does not meet the required minimum preservation of 80% for Large Significant trees and 100% Heritage trees within the Floodplain and Environmentally Sensitive Areas.

**ALTERNATIVES:**

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

**RECOMMENDATION:**

DSD staff recommends approval of the proposed variance.