



City of San Antonio

Agenda Memorandum

File Number:
{{item.tracking_number}}

Agenda Item Number: {{item.number}}

Agenda Date: December 15, 2021

In Control: Planning Commission Meeting

DEPARTMENT: Development Services Department

DEPARTMENT HEAD: Michael Shannon

COUNCIL DISTRICTS IMPACTED: District 6

SUBJECT:

Appeal of the Directors Decision for SAT-14 Data Center - COM-PRJ-APP21-39801977/ Tree AEVR Request – TPV 21-147

SUMMARY:

The Development Services Department (DSD) reviewed the information presented in Mr. David Lundberg’s letter submitted October 18, 2021, based on the submittal staff worked with the applicant to clarify their hardship and potential save areas. The applicant revised the application and submitted on November 1, 2021; staff denied on November 4, 2021.

The applicant submitted an appeal to the Director of Development Services on November 16 and the request was denied on November 18, 2021. In accordance with UDC Article V, Section 35-523 (n)(5), the applicant is appealing to Planning Commission for:

The Unified Development Code (UDC) – Article V, Section 35-523 (f) Table 523-1A, that “Up to 80% of Significant and Heritage Trees may be mitigated rather than preserved”. The project is

SAT-14 Data Center, located at 3545 Wiseman Blvd and is comprised of a 33 acre commercial tract zoned I-1. The applicant wishes to remove significant and heritage trees in excess of the minimum preservation requirements for the site. DSD staff does not agree with the applicant's request to mitigate below minimum preservation of significant trees and heritage trees as requested. The preservation breakdown that was submitted with the AEVR on November 1, is shown in the tables below:

LARGE SIGNIFICANT TREES

- TOTAL SIGNIFICANT TREES – 20,041"
- 20% SIGNIFICANT MIN. PRESERVATION – $20,041'' \times 20\% = 4,008.2''$
- SIGNIFICANT TREES PRESERVED – 606'
- SIGNIFICANT TREES REMOVED – 19,435"
- INCHES TO MITIGATE – 7,410.4"

SMALL SIGNIFICANT TREES

- TOTAL SIGNIFICANT TREES – 287"
- 20% SIGNIFICANT MIN. PRESERVATION – $287'' \times 20\% = 57.4''$
- SIGNIFICANT TREES PRESERVED – 0"
- SIGNIFICANT TREES REMOVED – 287"
- INCHES TO MITIGATE – 114.8"

HERITAGE TREES

- TOTAL HERITAGE TREES – 534"
- 20% HERITAGE MIN. PRESERVATION – $534'' \times 20\% = 106.8''$
- HERITAGE TREES PRESERVED – 24"
- HERITAGE TREES REMOVED – 510"
- INCHES TO MITIGATE – 1530"

Based on the information submitted by the applicant, staff has determined that the Large Significant is shown to preserve 3.02%, Small Significant is shown to preserve 0% and Heritage trees are being preserved at 4.49% all below the required 20% minimum.

The applicant proposes to mitigate by the method shown below:

Mitigation and Tree Preservation Balance:

The applicant is preserving 91" of non-significant trees to count towards mitigation

Total Mitigation required – 9,055.2"

Add the non-significant preservation Mitigation required – 8,964.2"

Plant 833 – 1.5-4" trees (1,578 planted inches).

121 – 3" trees

162 – 4" trees

550 – 1.5" trees

Remaining inches to mitigated after planting – 7,386.2"

Proposed Payment of \$1,477,240.00 for the remainder of the mitigation.

BACKGROUND INFORMATION:

Council District: 6

Filing Date: December 6, 2021

Owner: Jon Rhea, Microsoft Corporation

Applicant/Engineer: David Lundberg, Walter P. Moore

Staff Coordinator: Stephen Stokinger, Development Services Engineer, 210-207-5449

ISSUE:

The applicants site proposal does not meet the required minimum preservation of 20% for Small Significant, Large Significant and Heritage tree classifications.

ALTERNATIVES:

Planning Commission may decide to approve the applicants appeal to the Tree Administrative Exception Denial by the Director of Development Services or may uphold the denial by the Director of Development Services.

RECOMMENDATION:

DSD staff does not agree with the applicants' analysis and recommends denial of the request to remove significant and heritage trees below the minimum preservation requirements. The Administrative Exception Request does not meet the intent and spirit of the Tree Ordinance and such variance will not be contrary to public interest therefore, staff recommends denial.