



# City of San Antonio

## Agenda Memorandum

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

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

**Agenda Date:** September 21, 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 of trees in excess of the 80% preservation requirement of significant trees within the Environmentally Sensitive Areas in place under the 2010 Tree Preservation Ordinance.

### **SUMMARY:**

The Development Services Department (DSD) has reviewed the information presented in Mr. Richard W. Hendrix's letter dated March 27, 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 area except when a variance is granted by the Planning Commission."

The applicant is requesting a Variance Request to mitigate for removal of significant trees in excess of the 80% significant tree preservation requirement within the Environmentally Sensitive Areas

(ESA) in place under the 2010 Tree Preservation Ordinance for the P. Terry's Broadway. The proposed project focuses on constructing of a 3,468 SF one-story fast-food restaurant with drive through. DSD staff does agree with the applicant's request to mitigate for the removal of significant trees below 80% tree preservation for the following reasons:

1. Existing site conditions – The property is an existing commercially developed site consisting of 0.70 acres of predominantly impervious cover with an existing closed restaurant. Approximately 0.101 acres of the site resides within the 100-Year Floodplain that borders the rear of the property. The main issue is that of the current ingress/egress traffic requirements mandated by TXDOT and its limiting ability to provide dual access off Broadway. This required the final project site design to be amended in strive of complying with TXDOT traffic requirements. This change allowed the design team to explore the preservation of all trees within the 100-Year Floodplain, thus achieving 100% Tree Perseveration within the Floodplain while meeting the required Root Protection Zone. Parallel to the 100-Year Floodplain is the 30' ESA that consisted of one protected tree within the EAS and was unable to be preserved due to the proposed parking lot layout, vehicular circulation, and assorted site improvements. As a result, an Environmental Variance request is required.

a. Environmentally Sensitive Area Significant trees = 14 inches removed (1 tree), 00.00% preservation ratio, 11.2 inches of required mitigation

2. Tree mitigation – The total mitigation required for the removal of significant trees within the ESA is 11.2 inches. The owner proposes to mitigate by planting (9) - 3-inch caliper and (15) - 2-inch caliper trees as upsized Buffer & Landscape compliance trees throughout the site achieving a total of 21 caliper inches. Owner is mitigating 150% of the 14" Pecan with an additional 7 caliper inches to be planted back. The total mitigation provided from planting will be 21 inches. The 21 caliper inches of new trees planted provides added species diversity to include small, medium, and large species native trees per San Antonio Recommended Plant List.

DSD staff supports the applicant's request to fall below the minimum 80% tree preservation of significant trees within the ESA based on the conditions of the site, design constraints, and the applicant exceeding mitigation and exceeding canopy cover requirements by planting 24 upsized Buffer & Landscape trees from 1.5 inches to 2 & 3 inches providing 7 inches above mitigation. 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 08, 2023

Applicant: Richard W. Hendrix, P.E. with MBC Engineers

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

## **ISSUE:**

**The applicants project proposes removal of significant trees within the Environmentally Sensitive Areas and does not meet the required minimum preservation of 80% significant trees within the 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.