



# City of San Antonio

## Agenda Memorandum

**File Number:**15-3995

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**Agenda Item Number:** 11.

**Agenda Date:** 7/8/2015

**In Control:** Planning Commission

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**DEPARTMENT:** Development Services

**SUBJECT:**

TPV# 15-007 / AP#2057043

**SUMMARY:**

Tree Preservation Variance Request TPV#15-007 Request by Mr. George Weron, KFW Engineers on behalf of Mr. Gordon V. Hartman, Velma Development, LLC. for **Summerhill MDP Floodplain Improvements** for approval of a variance request from the Unified Development Code 35-523 (h), "significant trees shall be preserved at eighty (80) percent and heritage trees at one hundred (100) percent preservation within both the 100-year floodplains and environmentally sensitive areas." With the removal of the only existing 33 inch heritage mesquite tree within the floodplain, 33 inches of required tree mitigation will be met by planting 40 inches on the adjacent site to meet overall tree mitigation requirements. Project is proposed within the FEMA floodplain and located approximately 1/4 mile Southeast of the intersection of Loop 1604 and N. Graytown Rd. Staff recommends Approval. (Justin R. Krobot, Assistant City Arborist, (210)207-6042, justin.krobot@sanantonio.gov, Development Services, Land Development - Tree Preservation Division).

**BACKGROUND INFORMATION:**

Council District: 2  
Tract Size: 54.15 acres  
Staff Coordinator: Justin R. Krobot, Assistant City Arborist, (210) 207-6042

**ANALYSIS:**

The Development Services Department (DSD) has reviewed the information presented in Mr. Weron's letter dated June 23, 2015.

The Unified Development Code (UDC) - Article 5, Division 5. Natural Resource Protection, Section 35, states that 35-523 (f) Table 523-1A "up to 80% of significant and heritage trees may be mitigated rather than preserved" and 35-523 (h), "significant trees shall be preserved at eighty (80) percent and heritage trees at one hundred (100) percent preservation within both the 100-year floodplains and environmentally sensitive areas." (2010 Tree Preservation Ordinance)

The applicant wishes to go below the minimum preservation for heritage trees in the Floodplain for the **Summerhill MDP Floodplain Improvements**. DSD staff agrees with the applicant's request to go below the minimum preservation requirements for Floodplain for the following reasons:

1. *Site Constraints:* One heritage 33” mesquite tree will be removed within the Floodplain. Project design is constrained due to FEMA CLOMR Case # 13-06-3184R, which allows the project owner to modify the existing floodplain in order to provide access to the proposed Summerhill development on the adjacent site. Several design iterations have been completed and the proposed design minimizes area of impact and overall tree canopy removal.
2. *Access provided:* In order to provide access to the adjacent development, the Floodplain Improvements are required to be constructed. If the tree was unable to be removed, the improvements would not be able to be constructed to allow access to the Summerhill subdivision.
3. *Excess Tree Preservation Mitigation Provided:* 100% of heritage trees in the Floodplain are required to be preserved, which requires mitigation in the amount of 33”. In an effort to provide excess mitigation, Velma Development has elected to mitigate in excess of the removed inches. A total of 40” will be mitigated by planting and irrigating ten (10), 4 inch caliper trees along the entry road for the Summerhill subdivision with an excess 7 inches of mitigation to be provided.

DSD staff supports the applicant’s request to go below the minimum preservation for significant and heritage trees in the Floodplain Buffer/ESA, and Floodplain for the **Summerhill MDP Floodplain Improvements**. The proposed Variance Request meets the spirit and intent of the Tree Ordinance with the design of the project by providing inter/intrastate commerce and excess tree preservation.

#### **RECOMMENDATION:**

Approval of the applicant’s request to go below the minimum preservation for significant trees in the Floodplain for the **Summerhill MDP Floodplain Improvements**.

#### **ATTACHMENT(S):**

- A. Administrative Exception/Variance Request Application
- B. Variance Request Letter
- C. Tree Preservation Plan
- D. Zoning Map