



Agenda Item Report

Legislative Board:

Planning and Zoning
Commission

Date:

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Contact:

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ITEM TITLE: Deliberation and possible action in regard to a request for a Tree Removal Permit for a 26-caliper inch Signature Tree for a property known as CVS Buda Subdivision, Lot 7B, located southwest of the intersection of FM 1626 and RM 967 (2023-754). (Planner Alejandro Hernández)

1. EXECUTIVE SUMMARY

This is an action item regarding a Tree Removal Permit request to allow for the removal of a 26-caliper inch Signature Tree on a property southwest of the intersection of FM 1626 and RM 967.

The tree has been identified as a White Mulberry by the applicant's arborist, and is classified as a Signature Tree in the Unified Development Code (UDC) due to it being between 20-30 caliper inches in size. The tree is not considered exempt and as such, requires approval from the Planning and Zoning Commission in order to be removed.

The UDC requires that Signature Trees be mitigated at a 3:1 caliper inch ratio for every tree removed, and that replacement trees be at least 3 caliper inches in size. Alternatively, a fee-in-lieu can be accepted at \$350 per caliper inch needing mitigation. For a 26-inch tree, 78 caliper inches would need mitigation and the applicant is proposing to plant 9, 3-caliper inch trees, for 27 caliper inches of mitigation and paying \$17,850 for the other 51 caliper inches needing mitigation.

2. BACKGROUND/HISTORY

The applicant had submitted a site plan application (2023-754) last November for a proposed Chick-fil-A that would encompass both this lot (7B) and an adjacent lot (6B) with its main structure and parking area. As part of their proposal, the applicant is seeking to remove all existing trees from Lot 7B which includes 22 Protected Trees (trees between 8-20 caliper inches), 2 Signature Trees (the tree under consideration and a 26.5-caliper inch Arizona Ash that is exempt due to being in poor health), and 13 additional trees that are either exempt or are too small for preservation.

In addition to what the UDC requires for Signature Tree mitigation, it also requires that Protected Trees be mitigated at a 1:1 caliper inch ratio, and that replacement trees be at least 3 caliper inches in size. Fee-in-lieu can be accepted at \$200 per caliper inch. There are 272 caliper inches of Protected Trees needing to be mitigated in total for the site; the applicant is proposing to pay \$54,400 to cover the mitigation required. The removal of these trees are not under consideration as the UDC only requires administrative approval for Protected Trees. Mitigation for tree removal must be done in addition to normal landscaping requirements set by [§ UDC-2.09.01](#). Staff is still in review of the site plan application, but finds that the project as proposed is compliant with the UDC's landscaping requirements.

In addition to being in direct conflict with the desired position of the building, the applicant has stated that the tree being an invasive species and at the end of its life cycle (50-75 years) warrant its removal. Overall, the tree is in healthy condition with some dieback due to freeze damage. In January, Staff went out and confirmed the reported health and size of the tree under consideration as well as the 26.5-caliper inch Arizona Ash. The applicant's consulting arborist has reported that

should construction occur on the site, the tree would not survive any external impacts as a result and that relocating the tree would not be justifiable due to its age. The applicant also references how § 3.5.4.A.2.b of the City of Austin's *Environmental Criteria Manual* does not require mitigation for this particular species of tree. While that criteria manual is an officially adopted technical manual, the UDC's provisions for tree mitigation prevail in this aspect. Should the tree remain, the applicant has stated that the project would not proceed as it would heavily interfere with desired site layout and parking counts.

3. ANALYSIS

Staff has reviewed the application and finds that all mitigation measures as proposed are sufficient for the UDC's requirements. Based off the characteristics of the tree being invasive and at the end of its life cycle, as well as the fact that the area it sits in has the topography of a bowl—which makes it prone to flooding and damaging any trees on site—Staff is supportive of the proposed removal with required mitigation.

4. FINANCIAL IMPACT

Should the Tree Removal Permit be approved and the site plan application proceed, the City would collect \$72,250 in fee-in-lieu for tree mitigation that can be used in the future for tree plantings as part of capital improvement projects (CIP) or other City reforestation initiatives.

As with any project, approval or denial could also have an impact on future permitting fees and sales and property taxes collected off of this and surrounding sites. This decision could also have implications for improvements or maintenance needed in the future.

5. STRATEGIC PLAN/GOALS

BALANCED AND INTENTIONAL GROWTH

6. STRATEGIC PLAN OBJECTIVES

Balance residential and commercial growth.

7. PROS AND CONS

Pros: Applicant would be able to proceed with their desired site design for their proposal and the City would collect a significant amount of fee-in-lieu for tree mitigation.

Cons: An otherwise large and healthy tree would come down (in addition to the other trees that are not under consideration) should the project move forward, and it would be several decades before mitigating trees have a similar impact on the local environment.

8. ALTERNATIVES

Approval of the Tree Removal Permit is entirely discretionary. As such, Staff presents the following options:

1. Approve the Tree Removal Permit.
2. Modify and approve the Tree Removal Permit.
3. Table the Tree Removal Permit pending receipt of additional information.
4. Deny the Tree Removal Permit.

Any decision made by the Planning and Zoning Commission for Tree Removal Permits can be appealed to City Council.

9. REQUESTED ACTION / SUGGESTED MOTION / RECOMMENDATION

Staff has reviewed the request and recommends the Planning and Zoning Commission approve the request.

Attachments:

[2023-754 Site Plan Landscaping Pages.pdf](#)
[2023-754 TMS 1002 Report.pdf](#)
[2023-754 Arborist Supporting Letter.pdf](#)
[2023-754 USDA NRCS Plant Guide - White Mulberry.pdf](#)
[2023-754 Invasive Plant Atlas - White Mulberry.pdf](#)