

February 24, 2022

Variance Request Review City
 of San Antonio
 Development Services Department
 1901 S. Alamo St.
 San Antonio, TX 78204

RE : **Madison’s Market Site Work / TRE-APP-APP21-38800745**

SUB: **UDC 35-523(f) & (h)- Minimum Tree Preservation**
 Variance (AEVR)

To Whom It May Concern:

Proposed project is sitework/grading to prepare a pad site for installation of a new commercial development located at the northwest corner of Loop 1604 and Potranco Road. 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 along the creek must be done. Due to extents of tree removal because of this grading activity, a variance is being requested to allow reduction in the 80% minimum preservation for trees within an “Environmentally Sensitive Area”.

According to UDC 35-523, Table 523-1A requires 80% preservation within Environmentally Sensitive Areas. Additionally, section ‘(h)’ does not allow mitigation for removal of trees within Environmentally Sensitive Area.

The above restrictions impose an undue hardship in development of this property for its intended purpose. As such, an exception to allow for reduced categorical tree preservation with mitigation is being requested. The site has hundreds of mature trees; predominately Elm, Hackberry, and Mesquite with some Oak and Persimmon. Although a the categorial preservation requirements are not achieved, over 82% of all tree-inches are being preserved on the overall project site area. This amount of preservation is in excess of the minimum preservation intent of the tree preservation ordinance.

Below are the current preservation calculations:

PRESERVATION TABLE

CATEGORY/DESIGNATION	Sum of PRESERVE	Sum of REMOVE	TOTAL	(% PRESERVED)	CATEGORY
HERITAGE-FP	24	59	83	29%	HERITAGE – FLOODPLAIN
OUT/PL	0				OUT/PL (NOT CALCULATED)
POOR-DECLINE-HAZARD		0			POOR-DECLINE (NOT CALCULATED)
FLOODPLAIN TREE	6966	1345	8311	84%	FLOODPLAIN TREE
SIGNIFICANT-LG-NF-ESA	8	108	116	7%	SIGNIFICANT ESA (EXCLUDING HERITAGE)
FLOODPLAIN – SM	38	6	44	86%	FLOODPLAIN – SM
Grand Total	7036	1518	8554	82%	OVERALL SITE

MITIGATION TABLE

CATEGORY	INCHES
HERITAGE	-177
FLOODPLAIN	0
SIGNIFICANT-LOG-NF-ESA	-85
MITIGATION DUE =	-262
REPLACEMENT INCHES =	68 *
REPLACEMENT FILO TREE =	194 **
MITIGATION BALANCE =	0

MITIGATION/REPLACEMENT PROVIDED:

- * 56" = 28 x 2" CAL. REPLACEMENT TREES
- * 12" = 4 x 3" CAL. REPLACEMENT TREES
- REFERENCE SHEET L3 FOR REPLACEMENT TREE LOCATIONS.
- ** 194" x \$200 = \$38,800.00 MITIGATION-FEE PAYMENT.

In effort to account for this tree removal and provide mitigation, the owner has dedicated the remainder of the property as a 900-Series Lot so as to create a tree preserve within the floodplain. This lot is 5.546 acres and contains hundreds of existing trees and understory to be applied to mitigation. Additionally, the property owner is electing to provide twenty-eight (28) 2" caliper and four (4) 3" caliper replacement trees of different varieties planted along the edge of the development and a mitigation-fee payment for the remaining balance of tree mitigation. Tree Canopy Coverage for this site, not including replacement trees, exceeds 29%.

Without relief from the current tree preservation and mitigation restrictions, the owner cannot make reasonable use of the property for its intended purpose. Please consider the nature of this site and the requirements of UDC 35-523, Table 523-1A as an undue hardship in development of this particular property. In my professional opinion, under the circumstances, the public interest underlying the proposed exception outweighs the public interest underlying the particular regulation for which the exception/variance is granted.

- If the applicant complies strictly with the provisions of these regulations, he/she can make no reasonable use of his/her property: and
- The hardship relates to the applicant's land, rather than personal circumstances: and
- The hardship is unique, or nearly so, rather than one shared by many surrounding properties; and
- The hardship is not the result of the applicant's own actions; and
- The granting of the exception/variance will not be injurious to other property and will not prevent the orderly subdivision of other property in the area in accordance with these regulations.

In my professional opinion, the proposed variance remains in harmony with the spirit and intent of the UDC as it will not adversely affect the health, safety, or welfare of the public.

Respectfully,

Jason S. Lochte, ASLA
Landscape Architect, TX #2518

For Office Use Only:	AEVR#: _____	Date Received _____
<u>DSD – Director Official Action:</u>		
_____ Approved	_____ Approved w/ Comments	_____ Denied
Signature: _____		Date: _____
Printed Name: _____		Title: _____
Comments: _____		
12770		
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