



May 26, 2023

Administrative Exception / Variance Request Review

c/o Development Services Staff, Development Services Department, City of San Antonio

1901 S. Alamo

San Antonio, Texas 78204

Re: Levy Tract, Record; TRE-APP-APP23-38800036

UDC Sec. 35-523, Table 523-1A, Minimum 80% in place preservation for Large Species Significant Trees within Riparian Buffer

- ☐ Administrative Exception
- ☒ Environmental Variance
- ☐ Subdivision Platting Variance – Time Extension

Dear COSA DSD:

The following Variance request is submitted on behalf of Showcase Development LTD. (the "Owner"), owner of an approximately 11.5-acre raw tract of land located on West Groesenbacher Road in Bexar County, Texas (the "Property"). Other than preserving a minimum of 80% of the existing Riparian Buffer Large Species Significant Trees in-place, the proposed construction will comply with the applicable sections of the Unified Development Code (UDC).

The development of the Property entails construction of 58 manufactures homes with improvements. Approximately 3.31 acres of regulatory Flood Plain runs from true North to south along the western portion of the Property. In order to maintain a minimum 80% in-place preservation ratio within both the regulatory flood plain and Riparian Buffer to the west, the proposed homes and site improvements had to be justified to the east of the Property. As a result, the proposed in-place preservation ratios on the tree preservation plans approved in conjunction with the building permit application were above 80% for Large Species Significant Trees within the Riparian Buffer; however, during construction the site work contractor failed to notify the design team of removal of tree for modification to the tree plan to accommodate final CPS Energy's design for a 10' easement. As a result of the earthwork done and removal of trees within the riparian buffer a variance is now required with the tree preservation ratios being as follows:

Large Species Significant Trees: (Riparian Buffer)	256 cal. inches existing, 204.8 cal. inches preservation required (80%) 174 cal. inches preserved, 67.97% preservation ratio (Refer to Upland for mitigation calcs)
Large Species Significant Trees: (Floodplain)	699 cal. inches existing, 559.2 cal. inches preservation required (80%) 675 cal. inches preserved, 96.57% preservation ratio 24 cal. inches removed; 116 ca. inches in excess
Large Species Heritage Trees:	26 cal. inches existing, 26 cal. inches preservation required (100%)

(Floodplain)

26 cal. inches preserved, **100%** preservation ratio
0 cal. inches removed; 0 cal. inches mitigation

Large Species Significant Trees:

813 cal. inches existing, 325.2 cal. inches preservation required (40%)

(Upland – Includes Riparian Trees)

281 cal. inches preserved, **34.56%** preservation ratio

532 cal. inches removed; 44 cal. inches mitigation due

Thus, the Owner requests a variance from strict compliance with the UDC due to the fact that a mistake by the site work contractor during construction resulted in the removal of four (4) additional Large Species Significant Trees within the Riparian Buffer, resulting in less than an 80% in-place preservation ratio of the existing Large Species Significant Trees within the Riparian Buffer. In support of the above AEVR allowing development of the Property without preserving a minimum 80% of the existing Large Species Significant Trees in-place, the Owner offers the following:

- (1) The hardship requiring this AEVR is unique to the property. The Owner is unable to achieve a minimum 80% in-place preservation ratio of the existing Large Species Significant Trees within the Riparian Buffer because during construction the site work contractor mistakenly removed four (4) additional Large Species Significant Trees within the Riparian Buffer to accommodate CPS Energy's final design, resulting in an in-place preservation ratio for Large Species Significant Trees within the Riparian Buffer of 67.97%.
- (2) This AEVR corresponds to the spirit of the UDC. The stated purpose of UDC Sec. 35-523 is to allow "the reasonable improvement of land within the city and city's ETJ" while striving "to maintain, to the greatest extent possible, existing trees within the city and to add to the tree population within the city and the ETJ to promote a high tree canopy goal." In this case, the site work contractor mistakenly removed four (4) additional Large Species Significant Trees within the Riparian Buffer to accommodate CPS Energy's final design. As a result of this removal of existing Trees within the Riparian Buffer along with the remaining upland trees previously scheduled to be removed, the tree mitigation in the amount of 44 caliper inches is required for removal of existing Large Species Significant Trees. However, the Owner will mitigate this shortfall in addition to the 61 cal. inches of mitigation due for protected tree removal within the right of way, over and above the stipulated minimum in the following manner:

A.	Preservation of undersize trees:	33.0 Cal. Inches
B.	Upsizing (49) mitigation trees from 1.5" to 2":	98.0 Cal. Inches
TOTAL MITIGATION PROVIDED:		131.0 Cal. Inches

- (3) The Owner has sought to minimize any potentially adverse impacts on the public health, safety, and welfare. By providing 131 caliper inches of mitigation for removal of protected trees within the upland (includes Riparian Buffer), the Owner has ensured that the proposed mitigation meets and exceeds the minimum required by the UDC.

Additionally, as described more specifically below, this AEVR meets the approval criteria stipulated in UDC Sec. 35-483 (e):

- If the applicants comply strictly with UDC Sec. 35-523 (e) (1), they cannot make reasonable use of the Property. The Owner is unable to achieve a minimum 80% in-place preservation ratio of the existing



Large Species Significant Trees within the Riparian Buffer because during construction the site work contractor mistakenly removed four (4) additional Large Species Significant Trees within the Riparian Buffer. Without granting this AEVR application and allowing mitigation of the additional tree removal, the Owner will be unable to occupy and / or lease the new buildings and make reasonable use of the Property.

- The hardship in question relates to the Owner's land, rather than personal circumstance. This AEVR is required because during construction the site work contractor mistakenly removed four (4) additional Large Species Significant Trees within the Riparian Buffer, resulting in an in-place preservation ratio for Large Species Heritage Trees within the Riparian Buffer of 67.97%.
- The hardship is unique, or nearly so, rather than one shared by many surrounding properties. See above.
- The hardship is not the result of the applicant's own actions. The removal of the four (4) additional Large Species Significant Trees within the Riparian Buffer was a mistake by the site work contractor, for which the Owner proposes mitigation as required by the UDC.

In conclusion, granting this AEVR and permitting the Owner to provide mitigation for removal of the four (4) additional Large Species Significant within the Riparian Buffer will allow development within the spirit of the UDC and pose no threat to health, safety, or public welfare.

Thank you for considering the foregoing request.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jon Robinson', written over a horizontal line.

Jon Robinson, Agent for the Owner

For Office Use Only:		AEVR #:	_____	Date Received:	_____
<u>DSD – Director Official Action:</u>					
<input type="checkbox"/> APPROVED	<input type="checkbox"/> APPROVED W/ COMMENTS	<input type="checkbox"/> DENIED			
Signature:	_____	Date:	_____		
Printed Name:	_____	Title:	_____		
Comments:	_____ _____ _____				