



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: Stolte Ranch, A/P #2625657, Record: TRE-APP-APP22-38800008

UDC Sec. 35-523, Table 523-1A, Minimum 80% in place preservation for Small Species Significant Trees and Minimum 100% in place preservation for Large Species Heritage Trees within Flood Plain

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

Dear COSA DSD:

The following Variance request is submitted on behalf of Forestar (the "Owner"), owner of an approximately 261-acre tract of partially-developed land located on Talley Road at Tillman Ridge in Bexar County, Texas (the "Property"). Other than mitigating above the maximum allowed of 20% for Small Species Significant Trees and 0% for Large Species Heritage Tree tree removal within the Flood Plain, the ongoing and proposed construction will comply with the applicable sections of the Unified Development Code (UDC).

Development of the Property entails construction of the following improvements:

1. 729 new single-family residential lots
2. Local roads interior to the proposed community and two (2) entrances onto Talley Road
3. A community amenity center
4. Flood Plain improvements and a new bridge over the existing Flood Plain

The Property was an existing partially developed ranch with approximately 40% moderate to heavy existing tree cover, with the other 60% of the Property having been cleared and grazed years ago with scattered existing tree cover remaining today. Approximately 107.8 acres of regulatory Flood Plain runs from west to east along the northern portion of the Property and also north to south through the approximate middle of the Property, effectively bisecting the development and requiring a significant portion of the Property to be raised out of the flood plain in conjunction with approved CLOMR 21-06-1290R in order to connect the east and west portions of the new community. With phase 1 (MDP Units 1A, 1B, 2, 3, & 4) completed and phase 2 (MDP Units 5, 6, & 7) under construction the civil engineers on the project must do additional grading to prevent the proposed floodplain from encroaching onto the lots. San Antonio River Authority (SARA) is now requiring that a new calculation methodology be used, which was different from the method used for the approved CLOMR. Further cut of grade southwest of the eastern portion of the community (shown on Sheets TP1.14 & TP1.17) will need to occur to pull the inundation boundary back with protected trees in that area



needing to be removed to provide positive drainage. However, an approximately 30-acre heavily treed portion of the southern end of the Property (both within and outside the Flood Plain) will be preserved intact.

As a result of the earthwork required to improve the Flood Plain and prevent the new community from flooding removal of Small Significant Trees and Large Species Heritage trees above the maximum mitigation allowed will be required. The tree preservation ratios for the regulatory Flood Plain are as follows:

Large Species Significant Trees:	12,576 cal. inches existing, 10,060 cal. inches preservation required (80%) 10,438 cal. inches preserved, 83.00% preservation ratio 2138 cal. inches removed; 377.2 cal. Inches of Excess
Large Species Heritage Trees:	5841 cal. inches existing, 5841 cal. inches preservation required (100%) 4984 cal. inches preserved, 85.33% preservation ratio 857 cal. inches removed; 2571 cal. inches mitigation due
Small Species Significant Trees:	170 cal. inches existing, 136 cal. inches preservation required (80%) 120 cal. inches preserved, 70.59% preservation ratio 50 cal. inches removed; 16 cal. Inches mitigation due

Thus, the Owner requests a Variance from strict compliance with the UDC due to the fact that the significant earthwork required within the regulatory Flood Plain in order to improve the Flood Plain under SARAs new floodplain calculation methodology under the LOMR results in the removal of Flood Plain Large Species Heritage Trees and Small Species Significant Trees above the maximum allowed. In support of the above AEVR allowing development of the Property to mitigate above the maximum 20% allowed for Small Species Significant Tree and 0% Large Species removal, the Owner offers the following:

- (1) The hardship requiring this AEVR is unique to the property. The Owner is unable to mitigate below the maximum 80% of the existing Small Species Significant trees and 100% of the Large Species Heritage Trees in-place because the phase 1 was constructed under with the floodplain approved under CLOMR 21-06-1290R and with the floodplain now needing a separate calculation methodology under the LOMR stage, resulting in an in-place preservation of 70.59% for Small Species Significant Trees and 85.33% for Large Species Heritage Trees, so that the f.
- (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, due to the significant earthwork required within regulatory Flood Plain in order to pull back the floodplain lot outside of the community lots the Owner is unable to preserve a minimum 80% of Small Species Significant trees and 100% of Large Species Heritage Trees within the Flood Plain. As a result of this removal of existing Trees within the Flood Plain, tree mitigation in the amount of 2210 caliper inches is required (includes excess preservation of Large Species Significant trees above 80% in place preservation) for removal of existing Small Species Significant and large Species Heritage Trees and preservation within the regulatory flood plain. However, the Owner will mitigate this shortfall in addition to the 8342.4 cal. inches of mitigation due for upland, over and above the stipulated minimum in the following manner:

A.	Preservation of undersize trees:	7488.0 Cal. Inches
B.	Upsizing (5) required trees from 1.5” to 4”:	1714.0 Cal. Inches



C.	Upsizing (664) required trees in Units 1A, 1B, 2 & 3 from 1.5" to 2.0":	332.0 Cal. Inches
D.	Upsizing (710) Required trees in Units 5, 6, 7 & 8 from 1.5" to 3.0":	<u>1065.0 Cal. Inches</u>
TOTAL MITIGATION PROVIDED:		10,599 Cal. Inches

- (3) The Owner has sought to minimize any potentially adverse impacts on the public health, safety, and welfare. By providing 10,599 caliper inches of mitigation for removal of protected trees within both the upland and floodplain, the Owner has ensured that the proposed mitigation meets and exceeds the minimum required by the UDC.

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

- If the applicants comply strictly with UDC Sec. 35-523 (e) (1), they cannot make reasonable use of their property. Due to the fact that the Owner must undertake significant earthwork within the regulatory Flood Plain in order to improve the Flood Plain and prevent the floodplain from encroaching onto the lots, the Owner is unable to preserve 80% of the existing Small Species Significant Trees and 100% Large Species Heritage Trees in-place in the. If the Owner is unable to undertake the earthwork within the regulatory Flood Plain, several of the proposed single-family community lots cannot be outside of the floodplain.
- The hardship in question relates to the Owner's land, rather than personal circumstance. This Variance is required because the existing flood plain that bisects the Property must be improved to pull the flood plain out of the community lots and provide positive drainage. In order to free the community lots of the potential flooding, the Owner must undertake significant earthwork within the Flood Plain, resulting in mitigating above the maximum allowed for Small Species Significant trees and Large Species Heritage trees.
- 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 method in which floodplain is being calculated has changed during the CLOMR phase to the LOMR stage.

In conclusion, granting this Variance and permitting the Owner to mitigate more than 80% of Small Species Significant Tree and more than 100% of Large Species Heritage Tree removal located within the Flood Plain to provide positive drainage and pull back the floodplain line outside of the new community lots 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:		_____			

