



June 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: Oakmont Distribution Center, COM-PRJ-APP21-39803419  
UDC Sec. 35-523, Table 523-1A, Min. 20% Preservation, Large Species Significant and Heritage Trees

Administrative Exception



Environmental Variance



Subdivision Platting Variance – Time Extension

Dear COSA DSD:

The following Environmental Variance is submitted on behalf of Oakmont Industrial Group (the "Owner"), owner of an existing approximately 39.763-acre tract of raw land located on the east side of South Loop 410 East between East Houston Street and Rigsby Avenue in San Antonio, Texas (the "Property"). The Owner currently proposes to construct an approximately 640,000 SF distribution center with associated site improvements. Other than preserving a minimum of 80% of the Existing Large Species Significant Trees within the regulatory flood plain (158,507 SF) and Riparian Buffer (65,611 SF), the proposed construction will comply with the applicable sections of the Unified Development Code (UDC) in effect of the date the above-referenced permit application was filed.

The Property is an existing previously-cultivated field that has been historically utilized for growing crops, most recently for the production of hay. The Property is virtually flat, with an existing drainage channel and regulatory flood plain running along the rear (eastern) portion of the Property, draining from north to south, and an existing improved channel running adjacent to the southern property line, draining from west to east. The middle approximately 23 acres of the Property are entirely treeless. The predominate tree species on the Property are Mesquites, Huisache, and Hackberry, with four (4) Condalias and Persimmons. On the southern side of the Property adjacent to the improved channel, there are no existing Protected Trees.

In order to maintain a minimum 80% in-place preservation ratio within both the regulatory flood plain and Riparian Buffer to the rear, the proposed building and site improvements have to be justified to the west and north sides 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 89% for Large Species Significant Trees within the regulatory flood plain and 83.2% Large Species Significant Trees within the Riparian Buffer; however, during construction the site work contractor mistakenly removed four (4) additional trees within the regulatory flood plain (#'s 089, 119, 120, and 121) and four (4) additional trees within the Riparian Buffer (#'s 091, 116, 117, and 118). Removal of the four (4) additional trees within the regulatory flood plain lowered the in-place preservation ratio for Large Species Significant Trees from 89% on the original plans approved in conjunction

with the building permit application to 42% on the revised plans dated 1/9/23. Likewise, removal of the four (4) additional trees within the Riparian Buffer lowered the in-place preservation ratio for Large Species Significant Trees from 83.2% on the original plans approved in conjunction with the building permit application to 48.8% on the revised plans dated 1/9/23. More specifically, as a result of the additional tree removal by mistake during construction, the proposed in-place preservation ratios and required mitigation for Large Species Significant Trees within the regulatory flood plain and Riparian Buffer are as follows:

**ORIGINAL PLANS APPROVED W/ BUILDING PERMIT:**

Flood Plain Large Species Significant Trees:	85 caliper inches preserved, 89% preservation ratio
Riparian Buffer Large Species Significant Trees:	98 caliper inches preserved, 83.2% preservation ratio

**REVISED PLANS DATED 1/9/23:**

Flood Plain Large Species Significant Trees:	40 caliper inches preserved, 42% preservation ratio
Flood Plain Mitigation Required:	37 caliper inches
Riparian Buffer Large Species Significant Trees:	55 caliper inches preserved, 46.2% preservation ratio
Riparian Buffer Mitigation Required:	43 caliper inches (Refer to Upland Inventory)

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 regulatory flood plain and 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 both the regulatory flood plain and 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 both the regulatory flood plain and the Riparian Buffer because during construction the site work contractor mistakenly removed four (4) additional Large Species Significant Trees within the regulatory flood plain and four (4) additional Large Species Significant Trees within the Riparian Buffer, resulting in an in-place preservation ratio for Large Species Significant Trees within the regulatory flood plan of 42% and an in-place preservation ratio for Large Species Heritage Trees within the Riparian Buffer of 46.2%.
- (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, during construction the site work contractor mistakenly removed four (4) additional Large Species Significant Trees within the regulatory flood plain and four (4) additional Large Species Significant Trees within the Riparian Buffer, resulting in an in-place preservation ratio for Large Species Significant Trees within the regulatory flood plan of 42% and an in-place preservation ratio for Large Species Heritage Trees within the Riparian Buffer of 46.2%, and preservation shortfalls of 37 caliper inches within the

regulatory flood plain and 43 caliper inches within the Riparian Upland (Mitigation rolled into Upland). The Owner will mitigate this preservation shortfall via payment of an additional \$14,500 to the City's tree fund as the site is already constructed and has already maxed out the ability to plant trees on site by installing upsized 4 caliper inches on site. The empty areas shown on the plans and in the northwest corner of the lot contain overhead electrical lines while the northeast corner past the installed row of bur oaks was left natural with existing undersize trees.

- (3) The Owner has sought to minimize any potentially adverse impacts on the public health, safety, and welfare. By making an additional payment of \$14,500 to City's tree fund, the Owner has ensured that the proposed mitigation meets 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 both the regulatory flood plain and the Riparian Buffer because during construction the site work contractor mistakenly removed four (4) additional Large Species Significant Trees within the regulatory flood plain and 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 building 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 regulatory flood plain and four (4) additional Large Species Significant Trees within the Riparian Buffer, resulting in an in-place preservation ratio for Large Species Significant Trees within the regulatory flood plain of 42% and an in-place preservation ratio for Large Species Heritage Trees within the Riparian Buffer of 46.2%.
- 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 regulatory flood plain and 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 Trees within the regulatory flood plain and the four (4) additional Large Species Significant Trees 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', with a dotted line extending from the end of the signature.

Jon Robinson, Agent for the Owner

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