



February 1, 2022

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: Stillwater Ranch Phase III MDP, Refer to MDP# 15-000-48
UDC Sec. 35-523, Tree Preservation, minimum 80% Riparian Buffer Tree Stand

- ☐ (, Administrative Exception
- ☐ (, Environmental Variance
- ☐ (, Subdivision Platting Variance – Time Extension

Dear COSA DSD:

The following administrative exception variance request (AEVR) is submitted on behalf of RSI Stillwater, LLC (the "Owner"), owner of an existing tract of partially-developed land located north of Culebra Road and South of Galm Road in San Antonio, Texas (the "Property"). The Owner is currently in the process of constructing a new single-family community with associated site improvements on the Property. Other than preserving a minimum of 80% of the existing Riparian Buffer tree stand in-place, the proposed construction will comply with the applicable sections of the Unified Development Code (UDC).

The tree stand delineation plans submitted in 2016 and approved with the original permit application indicated an existing Riparian Buffer of 56,277 SF, of which 52,505 SF were scheduled for preservation, resulting in an in-place preservation ratio of 93.3%. During construction, the site work contractor mistakenly cleared a significant portion of the existing Riparian Buffer tree stand that was scheduled for preservation, requiring a revision to the approved tree stand delineation plans and an AEVR allowing preservation of less than 80% of the existing Riparian Buffer tree stand. The revised tree stand delineation plans identified an additional 1687 SF of existing Riparian Buffer tree stand for a total of 57,964 SF, but due to the site work contractor's oversight and the existing topography of the Property allowed preservation of only 27,482 SF, resulting in an in-place preservation ratio of 47.4% and the requiring an AEVR approval in order to continue development of the proposed single-family community; however, due to the excessively flat existing topography at the northern portion of the Property, additional site grading and subsurface storm drainage will be required to develop Units 24 through 28. The subsurface storm drainage required to develop Units 24 through 28 has to extend further east into the Riparian Buffer, increasing the total existing Riparian Buffer tree stand to 64,830 SF but allowing preservation of only 25,881 SF, resulting in an in-place preservation ratio of 39.92% and the requiring a revision to the previously-approved AEVR approval in order to continue development of the proposed single-family community.

Thus, the Owner requests a revision to the original AEVR approved in 2017 allowing a variance from strict compliance with the UDC due to the fact that the excessively flat existing topography at the northern portion of the Property



requires additional site grading and subsurface storm drainage in order to develop Units 24 through 28, resulting in an in-place preservation ratio of 39.92% for the existing Riparian Buffer tree stand.

In support of the above AEVR allowing development of the Property without preserving a minimum 80% of the existing Riparian Buffer tree stand in-place, the Owner offers the following:

- (1) The hardship requiring this AEVR is unique to the property. The Owner is unable to preserve a minimum 20% of the existing upland tree stand in-place and requests a revision to the original AEVR approved in 2017 allowing a variance from strict compliance with the UDC due to the fact that the excessively flat existing topography at the northern portion of the Property requires additional site grading and subsurface storm drainage in order to develop Units 24 through 28, resulting in an in-place preservation ratio of 39.92% for the existing Riparian Buffer tree stand.
- (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 excessively flat existing topography at the northern portion of the Property requires additional site grading and subsurface storm drainage in order to develop Units 24 through 28 to the point that additional existing Riparian Buffer tree stand must be removed in order to finish construction of the northern portion of the community. This additional removal of the existing Riparian Buffer tree stand reduces the in-place preservation rate from 47.4% per the original AEVR approved in 2017 to 39.92% based on the current revised tree stand delineation plans and a mitigation of 496 caliper inches due for excess removal of the existing Riparian Buffer tree stand.

However, the Owner will mitigate this shortfall by providing a total of 498 caliper inches of tree mitigation for excess removal of the existing Riparian Buffer tree stand. Specifically, the Owner will mitigate the Riparian Buffer tree stand preservation shortfall as required by the UDC via planting the following:

A. Unit 23:	420 Cal. Inches
(3) 3" Cal. trees per lot (70 lots, less 3 caliper inches per lot)	
B. Unit 24A (Cluster Lots):	<u>78 Cal. Inches</u>
(2) 3" Cal. trees per Cluster lot on (26) of the (48) Cluster lots, less 3 caliper inches per lot)	
MITIGATION PROVIDED FOR RIPARIAN BUFFER TREE STAND:	498.0 Cal. Inches

Furthermore, the Owner will provide a post-development tree canopy of 4,068,335 SF, equal to 52.03% of the gross project site area, which exceeds by 1,097,139 SF the minimum 38% post-development tree canopy required by the UDC, resulting in 36.9% more post-development tree canopy than required by the UDC. Specifically, the Owner will exceed the minimum post-development tree canopy required by the UDC by providing the following:



A. Preserving existing upland tree stand and Heritage Trees	180,515 SF
B. Planting new trees on residential lots:	3,225,217.5 SF
C. Planting new trees in common areas:	<u>662,605.5</u>
TOTAL MITIGATION PROVIDED:	4,068,335 SF

Thus, the Owner's proposed development of the Property contributes to the long-term expansion of tree canopy within the City and its ETJ.

- (3) The Owner has sought to minimize any potentially adverse impacts on the public health, safety, and welfare. By providing 498 caliper inches of tree mitigation to meet and exceed the required 496 caliper inches of mitigation required for excess removal of the existing Riparian Buffer tree stand made the subject of this AEVR revision, the Owner will provide 2.0 caliper inches of tree mitigation above the minimum required by the UDC. Additionally, the Owner will provide 4,068,335 SF of post-development tree canopy, which equates to 1,097,139 SF above the 2,971,196 SF of post-development tree canopy required by the UDC, or 36.9% over and above 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 their property. If the Owner is unable to undertake the additional site grading and install the subsurface storm drainage required due to the excessively flat existing topography at the northern portion of the Property, resulting in an in-place preservation ratio of 39.92% for the Riparian Buffer tree stand, Units 24 through 28 cannot be developed and the proposed single-family community cannot be finished.
- The hardship in question relates to the Owner's land, rather than personal circumstance. This AEVR is required because the excessively flat existing topography at the northern portion of the Property requires additional site grading and subsurface storm drainage in order to develop Units 24 through 28, resulting in a reduction of the in-place preservation ration for the Riparian Buffer tree stand from 47.4% to 39.92%.
- 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 excessively flat existing topography was present on the Property prior to the Owner's acquisition and proposed development of the new single-family community.

In conclusion, granting this revision to the AEVR approved in 2017 permitting the Owner to remove preserve less than 80% of the existing Riparian Buffer tree stand and mitigate the shortfall via planting new trees and with payment to the City tree fund for the proposed single-family community 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: _____

DSD – Director Official Action:

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APPROVED

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APPROVED W/ COMMENTS

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DENIED

Signature: _____

Date: _____

Printed Name: _____

Title: _____

Comments: _____

