



May 28, 2019

Administrative Exception/Variance Request Review
c/o Development Services Staff
Development Services Department
City of San Antonio
1901 S. Alamo
San Antonio, TX 78204

Re: Rapid Express Car Wash – Dominion
UDC Code Section 35-523(h)
Administrative Exception; A/P#2447893

Dear COSA DSD:

Please accept this letter for the Rapid Express Car Wash – Dominion project, located at 21911 W Interstate 10 in northwest San Antonio, Bexar County, 78257 (Lot 5, Block 12, NCB 18335). The site, an undeveloped 1.356-acre commercial lot with frontage at the intersection of the IH-10 W frontage road and Stonewall Hill. The site is part of the Zarco Commercial Development LLC subdivision (Plat No. 100146) and is bordered to the northwest by a commercial retail development on Lot 4, while the remainder of the platted lots further west are currently undeveloped commercial land. The existing site zoning designation is C-3 GC-1 UC-1 with MLOD and MSAO overlay districts. The proposed improvements consist of a new express drive-through car wash facility and associated site infrastructure that includes sidewalk, surface parking, and related utilities and drainage improvements. We are writing to request an Administrative Exception regarding Section 35-523(h) of the Unified Development Code (UDC).

1. Section 35-523(h) addresses tree preservation within the Environmentally Sensitive Area (ESA) sixty (60) foot buffer along the 100-year floodplain. In part, it reads:

Significant trees shall be preserved at eighty (80) percent preservation within both the 100-year floodplains and environmentally sensitive areas. Heritage trees shall be preserved at one hundred (100) percent preservation within both the 100-year floodplains and environmentally sensitive areas.

The requested AEVR is for a variance from the requirement to preserve eighty (80) percent of significant trees within the sixty (60) foot ESA buffer on this site. There are currently only two (2) significant trees located within the ESA buffer: an 8-inch Pecan tree (Tag No.1451), and a 20-inch Pecan tree (Tag No.1455). After multiple site plan iterations that required careful design considerations involving access, fire protection, upgradient drainage, water quality treatment, overall

tree preservation, utility services, accessibility, right-of-way improvements, and the existing floodplain, the final site plan, while satisfying all of the previously mentioned design concerns, is only able to preserve the 20-inch Pecan tree. The focus of the tree preservation effort was on the larger trees and on the vegetated slope at the rear of the site. The proposed preservation ratio within the ESA for floodplain buffers is 71%, and mitigation will be provided for the 2.4 inches removed below the required 80% preservation ratio.

It is inherently restrictive for us to preserve this tree due to water quality concerns that are related to existing off-site conditions. This site is located over the Edwards Aquifer Contributing Zone. The proposed development required a Contributing Zone Plan (CZP) modification since the previous development of Lot 4 to the north included Lot 5 within the originally approved CZP. The modification to that original CZP has already been submitted and approved by the Texas Commission on Environmental Quality (TCEQ) on November 26, 2018. That CZP modification incorporated the use of multiple treatment methods that relied on an intricate combination of previously approved underground treatment from the north on Lot 4, a relatively large batch detention basin at the rear of the lot, previously approved treatment along Stonewall Hill, and proposed vegetative areas along the floodplain. This final optimal CZP treatment design was predicated on the assumption that the 8-inch Pecan tree would be removed due to the difference in proposed and existing grades along the floodplain in order to effectively treat stormwater runoff that is required to sheet flow over the vegetative filter strip. If the tree were to be preserved, there would be a three (3) foot tree well that obstructs the storm water runoff from reaching the vegetative filter strip and it would no longer be feasible for water quality treatment, thus invalidating the TCEQ approved plan.

If site-specific circumstances are considered, this ESA buffer area is not reflective of a true riparian buffer since the FEMA 100-year effective floodplain was only established along this property due to assumptions made during the modeling of the section of Leon Creek to the northeast of IH-10 (by others). The model included culverts under IH-10 and the frontage road, even though there presently are no installed culverts, so the floodplain was erroneously mapped to similar elevations along Lot 4 and Lot 5. This mistakenly mapped floodplain has created an artificial need for a riparian buffer where the actual vegetation and number of significant trees is not in harmony with the assumed UDC expectations of typical floodplain-adjacent environments with steep slopes, varied vegetation, and biodiversity, etc.

Additionally, the costs associated with preserving the 8-inch Pecan tree are prohibitively expensive when compared to the costs of mitigation. Preservation of this single tree would require the complete redesign of the site, including water quality treatment, since the tree is located in the middle of the proposed vacuum stalls and is three (3) feet below the proposed pavement. The new site plan layout would require the installation of a costly underground treatment mechanism in lieu of the vegetative filter strip and batch detention basin, thus reducing greenspace and increasing peak flows from the site for most storm events when compared to what is currently proposed. Any newly required expensive underground stormwater runoff treatment, together with the existing space, access and

drainage limitations associated with developing this site, may prevent any future feasible commercial use of this lot.

We respectfully ask that an administrative exception be granted to allow for the provision of a building permit and for the mitigation and approval of the aforementioned tree preservation ratio within the ESA (floodplain buffers) based on the following reasons:

The exception will not be contrary to the spirit and intent of this chapter and the specific regulations from which an exception is requested.

- The spirit of the regulation in this case is to provide for the preservation of existing trees and the planting of new trees to enhance the quality of life and general welfare of the City of San Antonio. Specifically, within ESAs, the goal is to preserve key areas for environmental stability. But as noted above, the removal of the tree to install the approved water quality treatment is harmonious with preserving environmental stability. Also noted above is the fact that this ESA area stems from an erroneously mapped floodplain line and is not *uniquely* important to preserve. However, the proposed tree preservation plan does preserve 100% of significant and heritage trees within the FEMA floodplain, and 71% of significant trees within the ESA buffer with additional mitigation provided for the 2.4 inches removed below that 80% threshold. The wooded slope to the rear of the site is a much better natural area and we prioritized preservation there instead.

The applicant has taken all practicable measures to minimize any adverse impacts on the public health, safety and public welfare.

- There is minimal adverse impact on the public health, safety or public welfare due to the granting of this variance request. The proposed site plan and removal of the 8-inch tree allows for an economically feasible development of the site, while also satisfying other environmental and drainage related demands associated with this property and the other neighboring lots. All practicable measures were taken to preserve existing trees, but also allow for the development of the site without increasing runoff, both of which are in the public's best interests.

Under the circumstances, the public interest underlying the proposed exception outweighs the public interest underlying the particular regulation for which the exception is granted.

- As outlined above, the general public and surrounding property owners will benefit from the development of this site as proposed since the removal of a single 8-inch tree will result in more planted trees and diverse vegetation on the site than currently exists. If the tree is required to be preserved, then the owner, and perhaps future owners, may not find it economically feasible to develop the property.

The proposed exception complies with all other applicable standards of subsection 35-483(e) to the extent practicable.

- This is true.

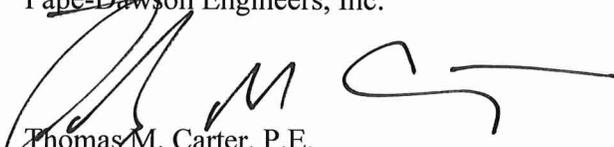
In accordance with UDC Section 35-483(e), the following statements are provided:

- 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 administrative exceptions remain in harmony with the spirit and intent of the UDC, and will not adversely affect health, safety, or welfare of the public. Thank you for your consideration. If you have any questions or require additional information, please do not hesitate to contact our office at your earliest convenience.

Sincerely,
Pape-Dawson Engineers, Inc.



Thomas M. Carter, P.E.
Sr. Vice President

5/28/19



Attachment

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