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August 22, 2017 (revised 9/18/17)

Variance Request Review
City of San Antonio
Development Services Department
City of San Antonio
1901 S. Alamo Street
San Antonio, Texas 78204

Re: Variance Request to UDC Section §35-523(h) for a 1.785-Acre Tract of Land Located at Schaeffeld Road and Loop 1604 (the "Subject Property;" *see Exhibit "1"*); *Our File No. 9844.002/ COSA AP No. PM2235762*

- Administrative Exception
 Environmental Variance
 Subdivision Platting Variance – Time Extension

Development Services Department:

Brown & Ortiz, P.C. and Vaquero Potranco Partners formally request a variance to Section §35-523(h) of the City of San Antonio ("City") Unified Development Code ("UDC") for the Subject Property. This section specifies that "Significant trees shall be preserved at eighty percent (80%) ... within environmentally sensitive areas." This variance is being requested to allow for the removal of three (3) trees within the environmentally sensitive area ("ESA"), resulting in preservation falling below the 80% requirement. The Subject Property is currently platted by the Schaeffeld East Unit 2 Plat No. 130329 (*see Exhibit "2"*) and is currently under development for a retail project consisting of an approximately 8,520 square foot retail building.

Attached to this application are copies of the tree preservation and preliminary planting plan (*see Exhibit "3"*). As shown in the plans, there were four (4) Mesquite trees within the ESA, all of which were classified as Significant. Only one (1) of these four (4) trees are able to be preserved – Tree No. 104, a 13" Mesquite. The other three (3) trees – Tree No. 101, a 17" Mesquite, Tree No. 103, a 17" Mesquite, and Tree No. 108, an 11" Mesquite are proposed for removal. Two of these trees were identified by a landscape architect as diseased, decayed and dying trees and, due to internal error/miscommunication, the contractor removed these trees prematurely (*see Exhibit "4"* for landscape architect's report). During plan review with the City, it was determined by the City that Tree No. 103 was not diseased/dying and therefore must be preserved (Tree No. 101 was confirmed as diseased/dying and therefore not counted). Due to Tree Nos. 103 and 108 being removed prematurely/inadvertently by the contractor, these trees cannot be preserved. However, mitigation will occur to significantly increase the amount and diversity of final tree canopy beyond what existed on site prior to development and beyond that required by the UDC. Specifically, seven 4" caliper Mexican Sycamore trees will be provided to offset the removal of the Mesquite tree in the ESA, resulting in

100% mitigation within the ESA. This will return the ESA to an even better condition than pre-development (due to healthier trees of a better species being planted), will help shade and protect the adjacent floodplain from the impact of development, and will maintain a stable stream bank.

This request is made in accordance with UDC Article IV Section §35-483(e) and meets the following criteria:

1) If the applicant complies strictly with the provisions of these regulations, he/she can make no reasonable use of his/her property.

Due to the damaged condition of Tree No. 103, such tree was removed but must be counted towards the required preservation. If the applicant is not allowed to mitigate the removal of this tree, no development whatsoever could occur as the City will not issue building permits. Strict compliance with the regulations means that mitigation cannot occur; however, it benefits the ESA, floodplain, property, and surrounding area to replace (mitigate) the damaged Mesquite tree with additional trees – such mitigation trees being of a stronger species, new and healthy, and an overall improvement to a damaged Mesquite tree.

2) This hardship relates to the applicant's land, rather than personal circumstances.

This hardship relates to the applicants land due to the lot shape and size, the location of the floodplain, and the type of tree (Mesquite) within the ESA that the UDC requires to be preserved. The shape, location and historical use of the land resulting in a Mesquite tree becoming damaged and decayed – enough so that it was identified as such and removed, although the City did not confirm such damaged state.

3) The hardship is unique, or nearly so, rather than one shared by many surrounding properties.

The hardship is unique to the Subject Property because it is the only property in the vicinity that is shaped as such, with the type, condition and location of Mesquite trees in the ESA requiring removal. This hardship is unique to the Subject Property; however, allowing the variance and therefore allowing for mitigation will benefit surrounding properties by creating a diverse tree canopy and protecting the adjacent floodplain and stream bank.

4) The hardship is not a result of the applicant's own actions.

The applicant engaged consultants that certified that the tree in question was diseased, decayed and damaged and such tree was removed as a result. The City confirmed that the tree was not in such shape as to be disregarded as such; therefore this variance is necessary. The hardship is exacerbated by the size, shape, and location of the Subject Property. However, the applicant will provide for tree planting/mitigation to offset any and all effects of the tree removal.

5) 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.

This variance does not affect adjacent properties and will not prevent the development or orderly subdivision of them either. In fact, the variance will allow for mitigation – including the planting of six Mexican Sycamore trees in and around the ESA – which will help shade and protect the adjacent floodplain, maintain a stable stream bank, and improve the amount and diversity of tree

**RIALTO
STUDIO**

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LANDSCAPE ARCHITECT
STATE OF TEXAS

March 17, 2017

Mr. Devan Pharis
Vaquero Ventures
3211 West 4th Street
Fort Worth, TX 76107

Re: Property at Shaenfield Road and Loop 1605

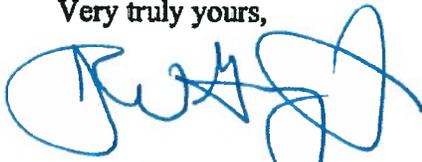
Dear Mr. Pharis:

On March 16, 2017, I visited the referenced site to review two Mesquite trees (trees 103 and 105 of the tree preservation plan) previously reported to be of Heritage designation. I found that they were in fact not of a caliper size to designate them to be Heritage Trees. I also observed that the trees were in poor condition, and likely could be designated as diseased and dying.

Please refer to the attached two pages providing accurate caliper calculations and a physical assessment of the two trees.

If I can help in any other way, please do not hesitate to call.

Very truly yours,



James W. Gray, Jr., FASLA
Principal



3/17/2017

Rialto Studio, Inc.
Landscape Architecture

2425 Broadway, Suite 105
San Antonio, Texas 78215

p. 210.828.1155

f. 210.828.1399



Tree Assessment – Shaenfield Road at Loop 1604

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Tree #105

One live trunk	13"	13"
One ½ live trunk	12"/2	6"
Two dead trunks	0"	0"
Total Caliper		19"

LAND MANAGEMENT
SPECIAL SERVICES SECTION

I would request that this tree be deemed diseased and damaged based on the condition of the main trunk (see photo below).



Tree #105 Trunk (front and back)



Tree #103

One live trunk	17"	17"
One dead trunk	0"	0"
Total Caliper		17"

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LAND DEVELOPMENT
STAFF

I would request that this tree be deemed diseased and damaged based on the condition of the main trunk (see photo below).

