



# CITY OF SAN ANTONIO

## DEVELOPMENT SERVICES DEPARTMENT

### VARIANCE REQUEST ANALYSIS

#### TPV 20-032

<b>Project:</b>	Stoney Creek Subdivision
<b>Address:</b>	1.4 miles North of the intersection of Grosenbacher Road & Highway 90
<b>A/P #/PPR #/Plat#:</b>	AP#2405281
<b>VR Submittal Date:</b>	April 6th, 2020
<b>VR Submitted by:</b>	Mr. Patrick Murphy, P.E. with M.W. Cude Engineers on behalf on Leslie Ostrander with Continental Homes of Texas, L.P.
<b>Issue:</b>	Below 80% significant tree and 100% heritage tree preservation within 100-Year Floodplain and Environmentally Sensitive Area (2010 Ordinance)
<b>Code Sections:</b>	Unified Development Code (UDC), Section 35-523 (h)
<b>By:</b>	Herminio Griego, Assistant City Arborist

The Development Services Department (DSD) has reviewed the information presented in Mr. Patrick Murphy's letter dated March 18th, 2020.

The Unified Development Code (UDC) – Article V, Section 35-523 (h), 100-Year Floodplain(s) and Environmentally Sensitive Areas states that, “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 floodplain and environmentally sensitive areas. Mitigation shall be prohibited in floodplains and environmentally sensitive area except when a variance is granted by the Planning Commission.”

The applicant is requesting a Variance Request to mitigate for removal of significant trees in excess of the 80% preservation requirements within the Environmentally Sensitive Area and 100-year Floodplain in place under the 2010 Tree Preservation Ordinance for construction of Stoney Creek Subdivision. DSD staff does agree with the applicant's request to mitigate for the removal of significant trees below 80% for the following reasons:

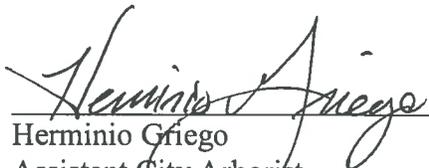
1. *Existing site conditions* – The site prior to development was utilized as farmland and contained very few trees. Most of the existing trees were located within the limits of the 100-year floodplain. A Conditional Letter of Map Revision (CLOMR) has been submitted to and approved by the City of San Antonio for this project to improve and change the floodplain limits for Potranco Creek. The existing floodplain contains a large number of existing trees. The goal of the CLOMR was to 1) reduce the floodplain limits onsite, 2) limit the amount of work in the actual floodplain and 3) do as much work in the floodplain as possible while limiting tree disturbance. It was determined the best way to limit the disturbance was to fill the site and excavate the floodplain in area without trees. The result of this plan was a significant amount of fill being placed within the limits of the future Environmentally Sensitive Area (ESA).

In an effort to increase tree preservation, the engineer re-designed the site multiple times, but was not able to provide a plan that could meet the current tree preservation requirements. The preservation rates within the floodplain are 100% heritage tree preservation and 77.10% significant tree preservation. Within the ESA, the preservation rates are 40% significant tree preservation. There are no heritage trees within the ESA. The required mitigation for the both the floodplain and ESA areas are 70 inches and 36 inches, respectively.

2. *Tree mitigation* - The project will exceed the required mitigation of 106 inches by planting an additional 1.5 caliper inch tree per 397 lots. This mitigation tree is in addition to the required two trees per lot for a total of three trees planted per lot. The total mitigation provided will be 595.5 caliper inches. The proposed planting plan provides added species diversity to include native medium and large shade tree species per Appendix E "San Antonio Recommended Plant List."

DSD staff supports the applicant's request to fall below 80% of significant tree preservation requirements within the Environmentally Sensitive Area (ESA) and 100-year Floodplain based on the conditions of the site, design constraints, and exceeding mitigation requirements. The proposed Variance Request meets the intent and spirit of the Tree Ordinance therefore, staff recommends approval.

RECOMMENDATION: Variance Request Approval

  
\_\_\_\_\_  
Herminio Griego  
Assistant City Arborist  
DSD – Land Development – Tree Preservation

4-30-2020  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Stephen Stokinger, P.E.  
Development Services Engineer  
DSD – Land Development - Engineering

2020/05/06  
\_\_\_\_\_  
Date

I have reviewed the Variance Request Analysis and concur with the recommendation.

  
\_\_\_\_\_  
Melissa Ramirez  
Assistant Director  
DSD – Land Development

5/7/2020  
\_\_\_\_\_  
Date



March 18, 2020

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

Re: Stoney Creek Subdivision  
UDC Section 35-523(h) – 2010 Tree Ordinance Survey Standards

Dear City of San Antonio – Development Services Department,

This Variance Request letter is being submitted in reference to the Stoney Creek Subdivision (Charles Davis Tract) concerning tree preservation within Environmentally Sensitive Areas (ESA) and 100-year floodplain areas as defined in UDC Section 35-523(h) and shown in Table 523-1A of the City of San Antonio Unified Development Code. This project is located along the west side of Grosenbacher Road north of the Grosenbacher Road and Highway 90 intersection within City of San Antonio ETJ limits. This project is located outside of the recharge zone.

The applicant wishes to request consideration for a variance to waive the minimum preservation percentage of 80% within the ESA and 100-year floodplain as required in 2010 Tree Ordinance of the Unified Development Code of the City of San Antonio. All other requirements as outlined in this section will be met in accordance with the requirements of the Unified Development Code of the City of San Antonio.

The following information is provided concerning the hardship and uniqueness of the subject property and confirmation that granting this variance will not be to the detriment of the public's health, safety and welfare and will not be harmful to the subject property or the adjacent properties:

The site prior to development was being utilized as farmland and contained very few trees. In order to meet the requirements of the 2010 tree ordinance, the developer will be required to plant a significant number of trees to meet the final 38% required canopy coverage. As most of the existing trees were within the limits of the floodplain, they could not be counted towards final canopy coverage as dictated by the tree ordinance. A significant amount of the site is located within the FEMA 1% annual chance floodplain. A Conditional Letter of Map Revision (CLOMR) has been submitted to and approved by the City of San Antonio for this project to improve and change the floodplain limits for Potranca Creek. The ESA located onsite is a 30' riparian buffer parallel to the current floodplain limits.

The floodplain onsite contains a large number of trees. The goal of the CLOMR was to 1) reduce the floodplain limits onsite, 2) limit the amount of work in the actual floodplain and 3) do as much work in

the floodplain as possible limiting tree disturbance. We determined the best way to limit the disturbance was to fill the site and excavate the floodplain in area without tree coverage. The result of this plan was a significant amount of fill being placed within the limits of the future ESA. The future ESA limits will be located closer to the creek centerline once the Letter of Map Revision (LOMR) is finalized. The site also had to be raised outside of the ESA to promote positive drainage towards the creek.

Cude Engineers graded the site multiple times in an effort to increase tree preservation for this development and we submitted the plan that preserved the most trees from each of our drainage and grading designs. However, given the floodplain restraints on the site, we were not able to produce a plan that met the preservation requirements of the 2010 tree ordinance. The results of our plan included mitigation for trees within the ESA and floodplain as well as significant and heritage trees outside of those areas.

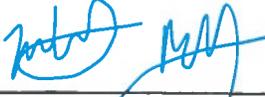
Within the limits of the CLOMR approved floodplain, the preservation rates are proposed as 100% heritage tree preservation and 77.10% significant tree preservation (2.90% and 70 inches short of meeting the minimum 80% required preservation rate). Within the limits of the CLOMR approved ESA, the preservation rate is proposed as 40.00% significant tree preservation (40.00% and 36 inches short of meeting the minimum 80% required preservation rate). There are no Heritage trees within the limits of the CLOMR approved proposed ESA area. All preservation deficits associated with the floodplain and ESA areas within this development will be mitigated through on-site tree planting. The developer proposes to plant approximately 1 additional 1.5" tree per lot to make up the deficit associated with the floodplain and ESA preservation as well as the deficit associated with required preservation rates outside of the floodplain and ESA. The tree preservation and planting plan proposes to plant more than the minimum required trees to mitigate the deficit (326 inches more than required) as well as provide more than the minimum final canopy coverage than required by the San Antonio 2010 tree ordinance (22,611 square feet above the minimum 38% final canopy coverage required by ordinance). Please see the attached tree preservation plan submitted with this variance request for all preservation calculations and associated mitigations.

- *The hardship relates to the applicant's land, rather than personal circumstances: The existing site prior to development was farmland with very few trees requiring the developer to plant a significant number of trees to comply with the final canopy coverage requirements of the 2010 City of San Antonio tree ordinance. This hardship is related to the existing condition of the property as well as the amount of 100-year floodplain located on the site.*
- *The hardship is unique, or nearly so, rather than one shared by many surrounding properties: This hardship is related to the amount of 100-year floodplain located on the site and the number of trees located within the limits of the floodplain. In addition, the results of the CLOMR place the proposed ESA in a location where meeting the required tree preservation is not possible because of fill placement.*
- *The hardship is not the result of the applicant's own actions and rather a result of the amount of floodplain contained within the property and the location of the trees within the floodplain areas. Great care was given to preserve as many trees as possible within the limits of the floodplain and ESA areas.*
- *The Variance submitted will not be detrimental to the public health, safety or welfare or injurious to other property in the area. Furthermore, the granting of this Variance will not*

adversely affect the orderly subdivision of other land in this area. The final canopy coverage exceeds that required by code. All preservation deficits associated with the floodplain and ESA areas within this development will be mitigated through on-site tree planting. The developer proposes to plant approximately 1 additional 1.5" tree per lot to make up the deficit associated with the floodplain and ESA preservation as well as the deficit associated with required preservation rates outside of the floodplain and ESA.

In my professional opinion, this variance request recognizes and conforms to the spirit and intention of the Unified Development Code as it pertains to areas with floodplain improvements. Please review this request and contact me by phone at (210) 681-2951 or by email at [wmurphy@cudeengineers.com](mailto:wmurphy@cudeengineers.com) if you have any questions or require any additional information.

Sincerely,

 4/11/2020

W. Patrick Murphy, P.E., CFM  
Associate  
M.W. Cude Engineers, LLC (TBPE Firm #455)



Leslie Ostrander  
Assistant Secretary  
Continental Homes of Texas, L.P.

Attachments:

1. Previously Approved Tree Plan
2. Revised Subdivision Tree Plan

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

PPR 10146  
TPV 20-032



**CITY OF SAN ANTONIO**  
DEVELOPMENT SERVICES DEPARTMENT  
1901 S. Alamo, San Antonio, TX 78204

**ADMINISTRATIVE EXCEPTION/VARIANCE  
REQUEST APPLICATION**

<b>Project Name:</b>	Stoney Creek Subdivision
<b>A/P # /PPR # /Plat #</b>	A/P #2405281
<b>Date:</b>	March 18, 2020
<b>Code Issue:</b>	Tree preservation requirements
<b>Code Sections:</b>	UDC Section 35-523(h)

<b>Submitted By:</b>	<input checked="" type="checkbox"/> Owner	<input type="checkbox"/> Owners Agent * (Requires notarized Letter of Agent)
<b>Owners Name:</b>	Leslie Ostrander	
<b>Company:</b>	Continental Homes of Texas, L.P.	
<b>Address:</b>	211 N. Loop 1604 E., Suite 130	Zip 78232
<b>Tel #:</b>	210.496.2668	Fax# 210.495-3108 E-Mail: LKOstrander@drhorton.com
<b>Consultant:</b>	W. Patrick Murphy, P.E., CFM	
<b>Company:</b>	M.W. Cude Engineers, LLC	
<b>Address:</b>	4122 Pond Hill Road, Suite 101	Zip Code: 78231
<b>Tel #:</b>	210.681.2951	Fax# 210.523.7112 E-Mail: WMurphy@cudeengineers.com
<b>Signature:</b>	<i>Leslie Ostrander</i>	

**Additional Information – Subdivision Plat Variances & Time Extensions**

- Time Extension     Sidewalk     Floodplain Permit     Completeness Appeal  
 Other Tree Preservation Requirements
- City Council District N/A    Ferguson Map Grid 645-D1/E1    Zoning District N/A
- San Antonio City Limits     Yes     No
- Edwards Aquifer Recharge Zone?     Yes     No
- Previous/existing landfill?     Yes     No
- Parkland Greenbelts or open space? Floodplain?     Yes     No