



TPV 19-002

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

ADMINISTRATIVE EXCEPTION/VARIANCE REQUEST APPLICATION

Project Name:	Terra Falls PUD	
A/P # /PPR # /Plat #	180365	
Date:	October 8th, 2018	
Code Issue:	Tree Preservation	
Code Sections:	35-523 (h)	

Submitted By:	<input checked="" type="checkbox"/> Owner	<input type="checkbox"/> Owners Agent * (Requires notarized Letter of Agent)
Owners Name: David Pugsley		
Company: 123 Heuermann, LLC		
Address:	7351 Heuermann Rd, San Antonio	Zip Code: 78256
Tel #:	Fax#	E-Mail:
Consultant: Jose Cantu, PE		
Company: Red & Black Engineering Group, LLC		
Address:	14603 Huebner Rd, Bldg 11, San Antonio	Zip Code: 78230
Tel #: (210) 515-4859	Fax#	E-Mail: jcantu@redblackeg.com
Signature:		

Additional Information – Subdivision Plat Variances & Time Extensions

1. Time Extension Sidewalk Floodplain Permit Completeness Appeal
 Other Tree Preservations
2. City Council District _____ Ferguson Map Grid _____ Zoning District _____
3. San Antonio City Limits Yes No
4. Edwards Aquifer Recharge Zone? Yes No
5. Previous/existing landfill? Yes No
6. Parkland Greenbelts or open space? Floodplain? Yes No

October 18, 2018

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

Re: Terra Falls PUD
UDC 35-523 (h)

Dear COSA DSD,

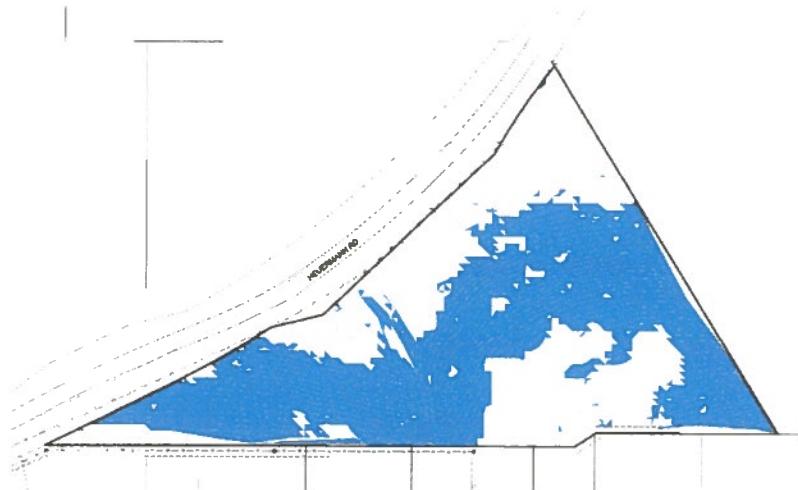
- **Introduction:** The subject project is a 6.1 acre lot at 7386 Heuerman Rd. The proposed project is a residential development with 19 proposed lots zoned RM-4.
- **Code Issues:** UDC 35-523 (h) states:

100-Year Floodplain(s) and Environmentally Sensitive Areas. 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 100-year floodplain shall be determined by the floodplain administrator. Mitigation shall be prohibited in floodplains and environmentally sensitive areas except when a variance is granted by the planning commission. If trees are required to be removed by a governmental entity due to existing off-site conditions, then mitigation shall not be required by the applicant. The city arborist, the director of public works, the director of development services, the Bexar County flood control division manager and one (1) representative from the Cibolo Creek Watershed, the Leon Creek Coalition, the Salado Creek Foundation, the San Antonio River Oversight Committee, and the Land Heritage Institute (for the Medina River) shall recommend a standard for treatment of drainageways, which standard shall be approved by the city council. Subsection (h) titled "100-year Floodplain(s) and Environmentally Sensitive Areas" shall not apply to properties located entirely within the boundaries of the RIO-2 and RIO-3 overlay zoning districts, provided however all other subsections of [35-523](#) shall apply in the RIO-2 and RIO-3 districts.

Table 523-2 Mitigation

(A) Method	(B) Description	(C) Restrictions
Establishment and maintenance of new trees at the required ratio on-site	Significant 1:1 Heritage 3:1 All tree species of Ash (all <i>Fraxinus</i> species) Hackberry (all <i>Celtis</i> species) Huisache, Ashe Juniper and Mesquite will be mitigated at 1:1.	No more than twenty-five (25) percent of the replacement trees shall be of the same species for the purposes of mitigation. Replacement trees must be at least one and one-half (1.5) caliper.
Payment to the tree mitigation fund	In lieu of meeting the minimum preservation or final canopy standards of this section, a payment to the tree mitigation fund may be provided in accordance with 35-C110 .	See subsection (o) tree mitigation fund for the authorized collection and disbursement of these funds.
Protection and maintenance of smaller trees within surveyed area	Protection and maintenance of existing trees within the surveyed area that are smaller than the size requirements for a protected tree.	Such trees must be at least two and one-half (2½) inches DBH. See column B ratios for diameter-inches required.
Protection and maintenance of natural areas within the surveyed area	Protection and maintenance of existing natural areas, i.e., prairie, etc.	Area(s) must contain desirable plants as determined by the city arborist and/or by Texas Parks and Wildlife Dept.

- **Discussion / Justification:** Regarding UDC 35-523 (h). The property contains approximately 3.5 acres of "Environmentally Sensitive Area". (Shaded = 20% slopes or greater)



These areas have an access of 20% slope and are located in the habitable area of the golden cheeked warbler and karst. Due to the location of these areas, the required 80% preservation requirement will impede the development from being a feasible. Due to this issue, Trinity Development (developer), has bought mitigation credits from the Southern Edwards Plateau Habitat Conservation Plan that is approved by the City of San Antonio. The property was mitigated at 3:1 (acres) for the golden cheeked warbler and 1:1 for karsts. Area used to calculate mitigation was 6.17 acres and not 3.5 which is the amount of area that is considered "environmentally sensitive" per the tree preservation ordinance. Total fee paid was \$84,470. The tree preservation plan reflects mitigation of 1070" of the 1046" required. The project is over planting 24" of trees to comply with COSA tree mitigation ordinance. In the steep slope area, the plan shows a preservation of 12%, in order to mitigate to 80%, the plans calls for the mitigation of 907 inches to meet the 80% required preservation. 3.67 acres were over mitigated through the HCP. Attached to this variance request is the SEP-HCP.

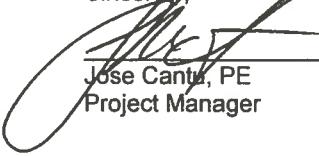
- We believe that a variance under these circumstances is appropriate.
- We believe the granting of these administrative variances will not be contrary to the spirit and intent of the UDC.
- We believe that the owner's development as proposed has taken all practical measures to minimize any adverse impacts on the public health, safety and public welfare.
- **UDC for Variances UDC Section 35-523 (h)**
- The hardship relates to the applicants 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 applicants 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 the regulations.



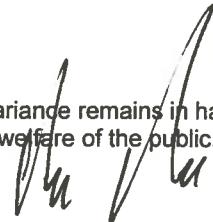
TBPE F-18934

In my professional opinion, the proposed administrative exception/variance remains in harmony with the spirit and intent of the UDC as it will not adversely affect the health, safety, or welfare of the public.

Sincerely,

A handwritten signature in black ink, appearing to read "Jose Cantu".

Jose Cantu, PE
Project Manager

A handwritten signature in black ink, appearing to read "David Pugsley".

David Pugsley
Owner

Attachment(s): SEPHCP Participation Certificate

For Office Use Only: AEVR #: _____ Date Received: _____

DSD – Director Official Action:

APPROVED

APPROVED W/ COMMENTS

DENIED

Signature: _____ Date: _____

Printed Name: _____ Title: _____

Comments:



City of San Antonio
Development Services Department
1901 S. Alamo
San Antonio, TX 78204

RECEIVED

AUG 23 2018

BY:.....

TREE PERMIT APPLICATION (Protected Trees to be Removed)

MAJOR/MINOR: _____

A/P#: **2318235**

PLAT#: **180365**

Inspector's initials: **SD19L** Date: **9/24/18** **10/18/18** Pass Fail Comments:
Reviewer's initials: Date: Approved Denied Comments:
RD Review initials: Date: Approved Denied Comments:

(Office Use Only)

Fail Comments:
 Denied Comments:
 Denied Comments:

Applicant Information

Applicant Name: Jose Cantu Company Name: Red & Black Engineering
Phone #: 210-515-4833 Fax#: Email: jcantu@redblackeg.com
Address: 14603 Huebner Road, Bldg 11 City: San Antonio State: Tx Zip: 78247
Owner's information (if different than applicant)
Name: David Pugsley Phone: _____
Address: 7351 HEUERMANN RD City: San Antonio State: Tx Zip: 78256

Project Information

Project Name: Terra Falls PUD Unit: Plat: 180365
Project Address/Location: Huermann Rd Outside City Limits: Yes No
Project Type: Residential #20 lots Non-Residential # _____ Acres Public Funds: Yes No
Class of Work: Tree Removal Site Work Platting New Structure Geotech Addition(>2500 ft²)
Parcel Key: (<https://gis.sanantonio.gov/PDS/onestop/index.html>) 8907 (Parcel Key must be included)

Type of Application and Review

Please note: Applicant shall provide habitat compliance form as defined in section 35-B133 of the UDC for properties with 2.0 or more acres.

If a Tree Permit associated with a rights determination review or a tree preservation plan was previously approved, provide A/P# **2318235** and no selection of 1 or 2 is required below.

Please mark the appropriate box for review (ONLY MARK ONE BOX):

1. Site has Rights Determination (RD aka Vested Rights)/Consent Agreement (CA) Validation:
RD/CA #: _____
(Staff will confirm exemption from the Tree Preservation Ordinance, but a Rights Determination number and aerial photo of project area is required. Applicable R.D. validation review fees apply for residential building tree permit of \$35.00 per lot and \$250.00 for commercial and site work permits. Please note that effective date of rights will determine other applicable fees and may require additional information to be submitted for the final tree review) (requires submittal of site plan for review)

2. Site has Protected, Significant, Heritage or Historic Trees that will be removed (requires additional site plan and tree inventory submitted). Tree Preservation Plan must be Tree Survey Method (35-B123) or Tree Stand Delineation Method with a Heritage Tree Survey (35-B125).

2318235
AUG 22 2018
10:16 AM
180365

Forms and additional information can be found at:

<http://www.sanantonio.gov/DSD/Constructing/Tree.aspx>

Development Services Department / Revised March 2018



Southern Edwards Plateau Habitat Conservation Plan PARTICIPATION CERTIFICATE



These certain tracts of land described in Exhibit A have complied with requirements of the federal Endangered Species Act (16 U.S.C. §1531 et seq.) through the regional 10(a) permit issued by the U.S. Fish and Wildlife Service to the City of San Antonio and Bexar County (permit number TE-48571B), issued on January 18, 2016, also known as the Southern Edwards Plateau Habitat Conservation Plan (SEP-HCP). The bearer of this certificate, 123 Heuermann, LLC - (application # 18-001), paid an assessment of \$14,419.00 to the Permit Holders on the 21 day of September, 2018, and paid Bandera Conservation Corridor, LLC an assessment of \$77,000.00 on the 19 day of September, 2018. Bandera Conservation Corridor, LLC assigned the GCW Preservation Credits to the Permit Holders the 20 day of September, 2018, and the GCW Preservation Credits were recorded into the SEP-HCP GCW Preservation Credit Ledger and assigned to SEP-HCP Application 18-001 on the 21 day of September, 2018. based on the following habitat determination:

<u>6.17</u>	acres of golden-cheeked warbler habitat (Direct Impacts) @ \$8,000 per acre
<u>13.47</u>	acres of golden-cheeked warbler habitat (Indirect Impacts) @ \$2,000 per acre
<u>0</u>	acres of black-capped vireo habitat (Direct Impacts) @ \$8,000 per acre
<u>0</u>	acres of black-capped vireo habitat (Indirect Impacts) @ \$2,000 per acre
<u>6.17</u>	acres of karst zone 1 & 2 habitat @ \$1000 per acre
<u>0</u>	acres of karst zone 3 & 4 habitat @ \$1000 per acre
<u>0</u>	total number of occupied karst features with Occupied Cave Zone A access @ \$400,000 per feature
<u>0</u>	total number of occupied karst features with Occupied Cave Zone B access @ \$40,000 per feature (approved fees through September 30, 2018)

The bearer of this certificate entered into a Participation Agreement with the Permit Holders on the 24 day of September, 2018. This contract is recorded in the Real Property Records of Bexar County as Document # 20180188465 and the covenants therein run with the land. Participation in the Southern Edwards Plateau Habitat Conservation Plan is subject to the terms and conditions of the Participation Agreement.

Issued by:

Date: September 25, 2018

Tony Felts, AICP

SEP-HCP Secretary

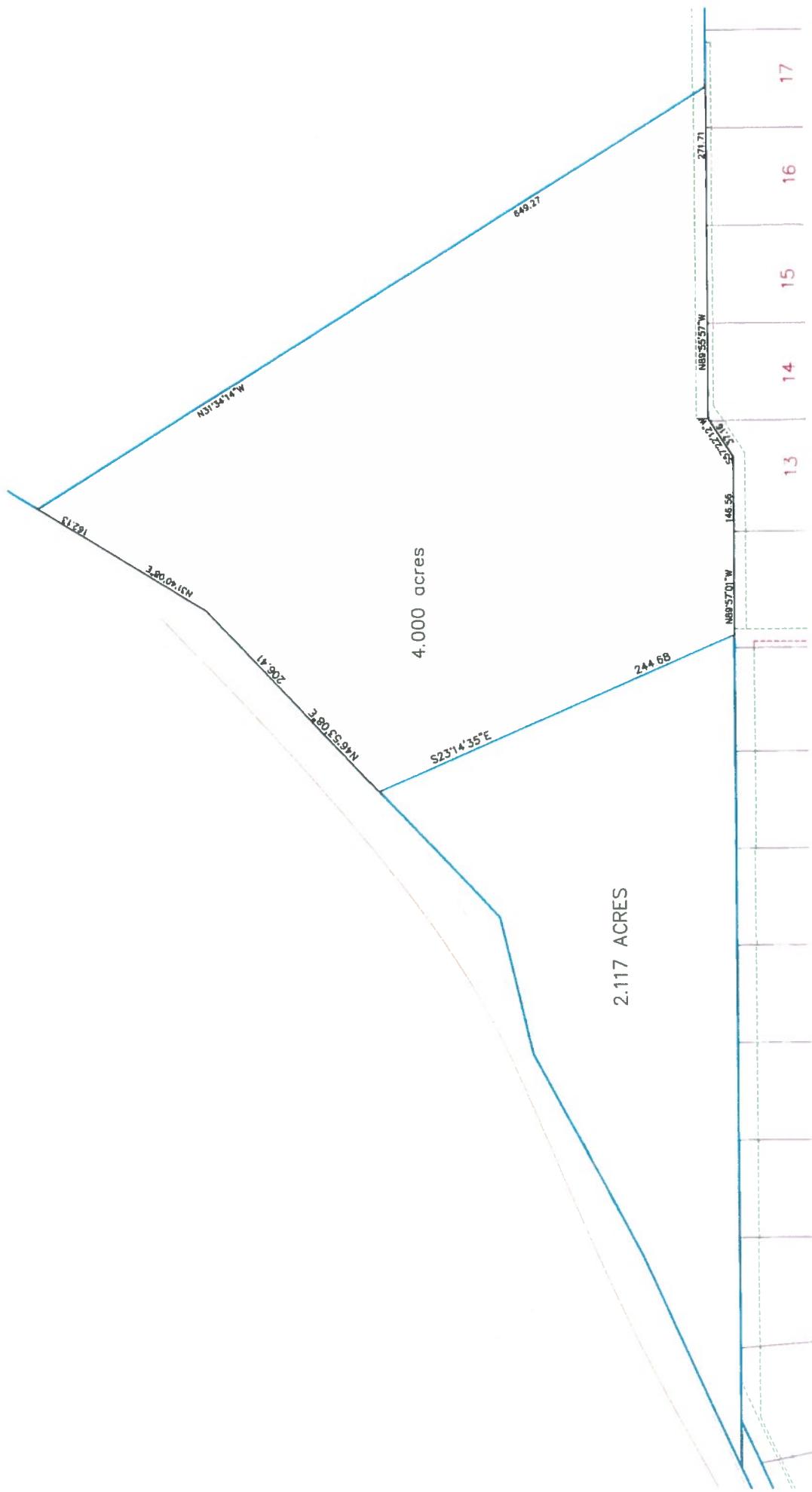
City of San Antonio, Development Services Department

Southern Edwards Plateau Habitat Conservation Plan

This Participation Certificate or a facsimile must be posted at the property site of the participating tract from the time vegetation clearing begins until the construction is completed. For more information about the certificate, contract or the permit, contact: City of San Antonio Development Services Department at (210) 207-1111, Bexar County Public Works Department at (210) 335-6700, or the U.S. Fish and Wildlife Service, Ecological Services Field Office at (512) 490-0057. For information about the participating tract contact: 123 HEUERMANN, LLC, 7351 HEUERMANN ROAD, SAN ANTONIO, TEXAS 78256 or (210) 823-2316.

EXHIBIT "A"
TO PARTICIPATION CERTIFICATE

Legal Description of the Participant's Property, including GPS coordinates/points



ALL SET IN ON THIS AGE 1-2 DIAMETER REBAR WITH A ORANGE PLASUE. AP STAMPED "FICKMAN FPLS 5A16" BASIS OF READING IS THE TEXAS COORDINATE SYSTEM TEXAS STATE GENERAL ZONE 4-04 HADDON

4) NO DOGS ARE PERMITTED
5) IMPROVEMENTS ARE SHOWN!
6) PROPERTY IS SUBJECT TO ALL CITY OF SAN ANTONIO AND BEXAR COUNTY ORDINANCES AND REGULATIONS

GRAPHIC SCALE

1 inch = 60 ft



ADDRESS: HEUERMANN ROAD

REMAINDER OF 54 49 ACRES
VOL 11259, PG 803

CERTIFICATION:
THE UNDERSIGNED DOES HEREBY CERTIFY THAT
THIS PLAT CORRECTLY REPRESENTS A SURVEY
MADE ON THE GROUND ON JUNE 14, 2016, OF THE
PROPERTY SHOWN HEREON

RICKMAN LAND
GARDENING

SURVEYING

MK
ELLER
CONSULTING, LLC

CALYON LAKE, TEXAS 78133
PHONE (830) 935-2453
WWW.PICKMANLANDSURVEYING.COM

61. *Calligrapher.*

PLAT SHOWING:
SURVEY OF A 2.117 ACRE TRACT OF LAND SITUATED IN THE CITY OF SAN ANTONIO,
BEXAR COUNTY, TEXAS OUT OF THE B. SHERREY SURVEY NO. 409, ABSTRACT NO.
672 AND BEING A PORTION OF THE REMAINDER OF A 54.49 ACRE TRACT, KNOWN AS
TRACT #2 AS CONVEYED TO ELMAC LTD. OF RECORD IN VOLUME 11259, PAGE 603.
OFFICIAL PUBLIC RECORDS OF BEXAR COUNTY, TEXAS

REGISTERED PROFESSIONAL LAND SURVEYOR NO. 5826
DATE DRAWN: JUNE 15, 2016 DRAWN BY: MRK
PROJECT NO.: 16-009 PUGSLEY, DAVID
DWG NO.: C/DRAW 2016/16-009 PUGSLEY, DAVID



4.000 ACRES

FIELD NOTES OF A 4.000 ACRE TRACT OF LAND SITUATED IN THE CITY OF SAN ANTONIO, BEXAR COUNTY, TEXAS OUT OF THE B. SHERMER SURVEY NO. 409, ABSTRACT NO. 672 AND BEING A PORTION OF THE REMAINDER OF A 54.49 ACRE TRACT, KNOWN AS TRACT #2 AS CONVEYED TO ELMAC, LTD. OF RECORD IN VOLUME 11259, PAGE 803, OFFICIAL PUBLIC RECORDS OF BEXAR COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS: NOTE: ALL IRON RODS SET ARE $\frac{1}{2}$ " REBAR WITH AN ORANGE PLASTIC CAP STAMPED "CAWC".

BEGINNING at a $\frac{1}{2}$ " iron rod found with a Rickman cap in the southeast right-of-way of Heuermann Road (60' R.O.W.) for the north corner of a 2.117 acre tract of land conveyed to 123 Heuermann, LLC of record in Volume 17921, Page 2131 of the Official Public Records of Bexar County, Texas and the northwest corner of the remainder of a 54.49 acre tract of land conveyed to ELMAC, Ltd of record in Volume 11259, Page 803 of the Official Public Records of Bexar County, Texas for the northwest corner of this tract;

THENCE with the southeast right-of-way of Heuermann Road and the northwest line of the remainder tract and this tract the following two (2) calls:

1. North $46^{\circ}53'08''$ East 206.41 feet to a $\frac{1}{2}$ " iron rod found for an angle, and
2. North $31^{\circ}40'08''$ East 162.13 feet to a $\frac{1}{2}$ " iron rod set for the north corner of this tract.

THENCE, South $31^{\circ}34'14''$ East 649.27 feet with the northeast line of this tract cutting across the remainder tract to a $\frac{1}{2}$ " iron rod set in the south line of the remainder tract and the north line of Lot 17 of Cresta Bella, Unit 7A of record in Volume 9705, Page 147 of the Deed and Map Records of Bexar County, Texas for the southeast corner of this tract.

THENCE with the south line this tract and the remainder tract and the north line of Lots 17-13 of Cresta Bella, Unit 7A and Lot 12 of Cresta Bella, Unit 6A1 of record in Volume 9668, Page 224 of the Deed and Map Records of Bexar County, Texas the following three (3) calls:

1. North $89^{\circ}55'57''$ West 271.71 feet to a $\frac{1}{2}$ " iron rod found with a Baker cap for an angle,
2. South $57^{\circ}22'12''$ West 37.16 feet to a $\frac{1}{2}$ " iron rod found with a Baker cap for an angle, and
3. North $89^{\circ}56'15''$ West 146.56 feet to a $\frac{1}{2}$ " iron rod found with a Rickman cap for the eastern most corner of the 2.117 acre tract and the southwest corner of this tract and the remainder tract.

THENCE, North $23^{\circ}14'35''$ West 319.65 feet with the southwest line of this tract and the remainder tract and the northwest line of the 2.117 acre tract to the **PLACE OF BEGINNING** and containing 4.000 acres of land according to a survey on the ground on February 24, 2107 by CAW Consultants, Inc.

Job No. 16-009.02 Pugsley
Accompanying Plat Prepared
File:C/Draw 2016/16-009.02 Pugsley- M&B (4.00 acres)

Craig A. Wallendorf 2-24-17

Craig A. Wallendorf
Registered Professional Land Surveyor # 5810





RICKMAN LAND SURVEYING

2.117 ACRE TRACT

FIELD NOTES OF A 2.117 ACRE TRACT OF LAND SITUATED IN THE CITY OF SAN ANTONIO, BEXAR COUNTY, TEXAS OUT OF THE B. SHERRER SURVEY NO. 409, ABSTRACT NO. 672 AND BEING A PORTION OF THE REMAINDER OF A 54.49 ACRE TRACT, KNOWN AS TRACT #2 AS CONVEYED TO ELMAC, LTD. OF RECORD IN VOLUME 11259, PAGE 803, OFFICIAL PUBLIC RECORDS OF BEXAR COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS: NOTE: (BASIS OF BEARING IS TEXAS SOUTH CENTRAL ZONE 4204, NAD83. ALL IRON PINS SET ARE $\frac{1}{2}$ " REBAR WITH AN ORANGE PLASTIC CAP STAMPED "RICKMAN RPLS 5826".)

Beginning at a $\frac{1}{2}$ " iron pin set in the southeast right-of-way line of Heuermann Road at the north corner of a 16' right-of-way dedication to the City of San Antonio per Volume 9668, Page 224 of the Deed and Plat Records of Bexar County, Texas and the west corner of the remainder of Tract #2 and this tract;

Thence with the northwest line of this tract and Tract #2 and the southeast right-of-way line of Heuermann Road the following 4 calls:

1. N $65^\circ 25' 51''$ E 192.03 feet to a railroad spike found for an angle,
2. N $61^\circ 59' 33''$ E 187.48 feet to a $\frac{1}{2}$ " iron pin found for and angle,
3. N $76^\circ 42' 03''$ E 115.98 feet to a $\frac{1}{2}$ " iron pin found for an angle, and
4. N $46^\circ 53' 08''$ E 143.90 feet to a $\frac{1}{2}$ " iron set for the north corner of this tract.

Thence S $23^\circ 14' 35''$ E 319.65 feet with the northeast line of this tract cutting across Tract #2 to an $\frac{1}{2}$ " iron pin set in the south line of Tract #2 and the north line of Lot 12 of the Cresta Bella Unit 6A1 Subdivision of record in Volume 9668, Page 224 of the Deed and Plat Records of Bexar County, Texas for the southeast corner of this tract.

Thence N $89^\circ 56' 15''$ W 684.23 feet with the south line of this tract and Tract #2 and the north line of lots 12-4 of Cresta Bella Unit 6A1 Subdivision to the Point of Beginning and being a 2.117 acre tract of land in the City of San Antonio, Bexar County, Texas, according to a survey on the ground on June 14, 2016 by Rickman Land Surveying.

Job No. 16-009 Pugsley, David
Accompanying Plat Prepared
File:C/Draw 2016/16-009 Pugsley – M&B (2.117 acres)

J. Derrick Rickman
Registered Professional Land Surveyor # 5826





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2018 AUG 22 PM 8:16
RECEIVED

Aerial Exhibit



14603 Huebner Road, BLDG 11
San Antonio, TX 78230

www.redblackeg.com