



# CITY OF SAN ANTONIO

## DEVELOPMENT SERVICES DEPARTMENT

1901 S. Alamo, San Antonio, TX 78204

### ADMINISTRATIVE EXCEPTION/VARIANCE REQUEST APPLICATION

Project Name:	Summerhill MDP Floodplain Improvements
A/P # /PPR # /Plat #	<b>2057043</b>
Date:	April 20, 2015
Code Issue:	Ordinance 2014-10-02-0742, effective October 2, 2014
Code Sections:	UDC Section 35-523 (h)

Submitted By:	<input checked="" type="checkbox"/> Owner	<input type="checkbox"/> Owners Agent * (Requires notarized Letter of Agent)
Owners Name:	Gordon V. Hartman (President)	
Company:	Velma Developmnet, LLC.	
Address:	1202 W. Bitters Rd. Bldg. 1 Suite 1200 San Antonio, TX	Zip Code: 78216
Tel #:	(210) 493-2811	Fax# E-Mail: jaime@gordonhartman.com
Consultant:	George Weron, P.E. c/o Burt Wellmann, P.E.	
Company:	KFW Engineers & Surveying	
Address:	14603 Huebner Rd. Bldg. 40 San Antonio, TX	Zip Code: 78230
Tel #:	(210) 979-8444	Fax# (210) 979-8441 E-Mail: bwellmann@kfwengineers.com
Signature:		

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

- ☐ Time Extension ☐ Sidewalk ☐ Floodplain Permit ☐ Completeness Appeal  
☐ Other \_\_\_\_\_
- City Council District \_\_\_\_\_ Ferguson Map Grid \_\_\_\_\_ Zoning District \_\_\_\_\_
- 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



June 23, 2015

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: Summerhill Floodplain Improvements  
UDC Sec. 35-523 (h), 100-Year Floodplain(s) and Environmentally Sensitive Areas

- ☒ Administrative Exception
- ☐ Environmental Variance
- ☐ Subdivision Platting Variance – Time Extension

Dear COSA DSD:

The following administrative exception variance request (AEVR) is submitted on behalf of Gordon V. Hartman, Velma Development, LLC. ("President"), owner of an existing tract of undeveloped land located 0.25 miles southeast the intersection of Loop 1604 and N. Graytown Road in San Antonio, Texas (the "Property"). The land requiring the AEVR is a portion of both the Quiet Creek Subdivision (Vol. 9645, Pgs. 214-219) and Summerhill Master Development Plan (14-00028). The purpose of this AEVR is to request an exception to Unified Development Code 35-523 (h) which states "Heritage trees shall be preserved at one hundred (100) percent preservation within both the 100 year floodplain and environmentally sensitive areas".

A FEMA CLOMR has been approved (Case # 13-06-3184R) granting authorization to modify the existing FEMA Floodplain for the improvement of the main entry road within the Summerhill Master Development Plan. There is one (1) existing 33" Heritage Mesquite Tree located within the 100 Year Floodplain where tree removal will be occurring. There are many other non-protected and protected trees located within the Area of Study that will not be affected by the proposed development. Ultimately, the existing heritage tree is required to be removed to properly exercise the grading requirements provided in the approved CLOMR and Summerhill Master Development Plan. The removal of this tree is problematic because zero (0) percent preservation is attained, thus requiring this AEVR. There have been many attempts to revise the proposed grading plan to preserve the existing heritage tree. However, with numerous alterations none effectively stay in compliance with the guidelines provided by the approved FEMA CLOMR and/or adversely result in the increase of tree canopy removal. Based on our study, it is our determination that the proposed grading is optimal because it ultimately provides the best case scenario for tree canopy preservation. **Reference Tree Canopy Preservation Table:**



B2/3

Tree Canopy Preservation Table	
	Preservation %
Total Tree Canopy Preserved Developable	100%
Total Tree Canopy Preserved Located Within The 30' Floodplain Buffer	100%
Total Tree Canopy Preserved Located Within 100 Year Floodplain	81.49%

The proposed grading will provide 100 % preservation of the tree canopy located within the 30' floodplain buffer and within the developable area located outside the 30' floodplain buffer. The proposed grading does require the removal of 18.51% of the total tree canopy located within the 100 Year Floodplain and ultimately the removal of the only heritage located within the area of removal. Therefore, the owner respectfully requests a variance from strict compliance with the Tree Preservation Ordinance due to the fact that the Heritage tree resides on the property in an area such that it cannot be preserved.

To stay in compliance with the Unified Development Code 35-523 (h), and stay within spirit and intent of the Tree Preservation Ordinance; the developer is proposing 40 inches of mitigation to be planted and irrigated along the entry road of Summerhill Subdivision Unit 1. At the entrance to Summerhill Subdivision Unit 1, a ¾" irrigation service and conduit crossing will be installed with the initial water infrastructure improvements. **Reference Proposed Mitigation Requirement Table for planting guidelines and Summerhill Master Development Plan Floodplain Improvements for tree location and irrigation service location:**

Proposed Mitigation Requirement Table			
	Total Inch Per Tree	Total # Of Trees	Total Mitigation
Proposed Mitigation Method	4 Inch Caliper (Medium to Large Species)	10 Trees	40 Inches

In support of the above AEVR allowing removal of canopy without preserving a minimum 100% of the heritage trees in-place, the owner offers the following:

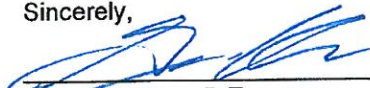
- (1) The hardship requiring this AEVR is unique to the property. The reason the owner is unable to preserve a minimum 100% of the existing heritage trees in-place is due to the fact that there is only one (1) existing heritage tree within the Area of Study, and the heritage tree is located on the property such that it cannot be preserved without altering restrictions set forth by an approved FEMA CLOMR. Furthermore, alterations to the current grading would increase the required tree canopy removal, thus creating an adverse effect to the existing tree canopy.
- (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...protect the health, safety, and welfare of the public..." In this case, many different scenarios have been analyzed. It is our opinion the optimum solution to provide maximum canopy preservation ultimately results in the removal of one (1) heritage tree within the 100 Year FEMA Floodplain. To stay within the spirit of the Unified Development Code and respect for the Tree Preservation Ordinance the developer is proposing 40 inches of mitigation (10 – 4

inch caliper trees Medium to Large Species) to be located and irrigated along the entry road of Summerhill Subdivision Unit 1.

- (3) The Owner has sought to minimize any potentially adverse impacts on the public health, safety, and welfare. Failure to stay in compliance with the approved FEMA CLOMR could adversely impact existing habitable and non-habitable structures downstream. The owner has ensured that the maximum number of existing trees will be preserved on the site.
- If the applicants comply strictly with UDC Sec. 35-523 (h), they cannot make reasonable use of their property. Based on the fact that there is only one (1) existing heritage tree on the property, and that tree is located on the property such that it cannot be preserved without removing a greater number of the existing non-protected and protected trees, the Owner must remove the only existing heritage tree on the property in order to maximize final tree canopy on the property.
  - The hardship in question relates to the owners' land, health, safety, and welfare of others, rather than personal circumstance. This AEVR is required because the location of the existing Heritage tree is located on the property such that it cannot be preserved. Failure to stay in compliance with the guidelines set forth in the approved FEMA CLOMR could inadvertently put adjacent home/land owners at risk of potential flooding.
  - The hardship is unique, and is for the greater good of the surrounding communities and properties. See above.
  - The hardship is not the result of the applicant's own actions. The existing trees were present in their current sizes and distribution on the property prior to the owners acquiring the land.

In conclusion, granting this AEVR and permitting Gordon V. Hartman, President of Velma Development, LLC. to remove the only existing heritage tree on the property will allow development within the spirit of the City of San Antonio Unified Development Code by encouraging the health, safety, and welfare of the public by creating an urban environment that is aesthetically pleasing and that promotes economic development through an enhanced quality of life. Thank you for your time and consideration on this foregoing request.

Sincerely,

  
George Weron, P.E.  
Principal  
Agent For The Owner

<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: _____					
_____					

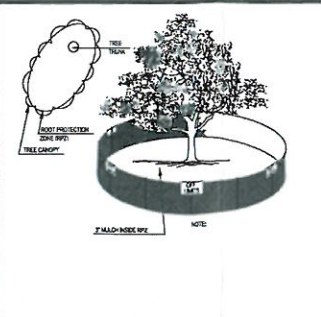
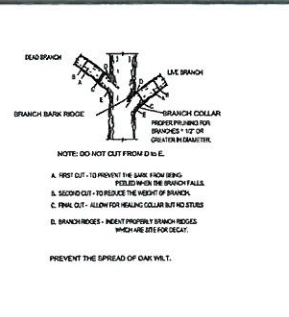
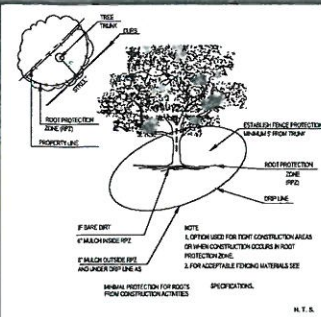
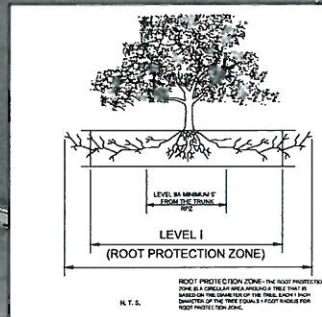


**LEGEND**

- SUMMERHILL MDP & QUIET CREEK SUBDIVISION
- 30' Buffer Floodplain
- 100' Year FEMA Floodplain Reference FEMA (CLOMR)
- Submittal Tributary "C" To Saltillo Creek, Quiet Creek Subdivision FEMA Case # 13-06-3184R"
- Removal Area
- Area Of Study
- Tree Canopy Developable Preserved Located Outside 30' Floodplain Buffer
- Tree Canopy To Be Removed
- Tree Canopy Preserved Located Within 100 Year Floodplain
- Tree Canopy Preserved Located Within 30' Floodplain Buffer
- Proposed FEMA Floodplain Grading
- 10-4" (Medium to Large Species) Caliper Mitigation Trees To Be Planted and Irrigated Along Entry Road.

**CONTRACTOR NOTE:**

THE CONTRACTOR SHALL BE RESPONSIBLE TO SCHEDULE A PRE CONSTRUCTION MEETING PRIOR TO SITE DEVELOPMENT TO STAY IN COMPLIANCE WITH THE UNIFIED DEVELOPMENT CODE SECTION 35-477 (5) (C); WHICH STATES A PRE CONSTRUCTION MEETING IS REQUIRED TO REVIEW PROCEDURES FOR PROTECTION AND MANAGEMENT OF ALL SIGNIFICANT, HERITAGE OR MITIGATION TREES. THIS CAN BE SCHEDULED WITH FENCING INSPECTION, 207-1111.



**TREE PROTECTION NOTES**

1. A ROOT PROTECTION ZONE WILL BE ESTABLISHED AROUND EACH TREE OR ANY VEGETATION TO BE PRESERVED TO MEET THE LANDSCAPE OR TREE PRESERVATION ORDINANCES. THE ROOT PROTECTION ZONE SHALL BE AN AREA DEFINED BY THE RADIUS EXTENDING OUTWARD FROM THE TRUNK OF THE TREE A DISTANCE OF ONE (1) LINEAR FOOT FOR EACH INCH DIAMETER INCH AT BREAST HEIGHT (4.5') OF THE TREE. A 10-INCH DIAMETER TREE WILL HAVE A 10 FOOT RADIUS ROOT PROTECTION ZONE.
2. NO WORK SHALL BEGIN WHERE TREE PROTECTION FENCING HAS NOT BEEN COMPLETED AND APPROVED. TREE PROTECTION FENCING SHALL BE INSTALLED, MAINTAINED AND REPAIRED BY THE CONTRACTOR DURING CONSTRUCTION. THE FENCING WILL BE A MINIMUM OF 4' HEIGHT.
3. ALL ROOTS LARGER THAN ONE-INCH IN DIAMETER ARE TO BE CUT CLEANLY AND OAK WOUNDS PAINTED WITHIN 30 MINUTES.
4. EXPOSED ROOTS SHALL BE COVERED AT THE END OF THE WORK DAY USING TECHNIQUES SUCH AS COVERING WITH SOIL, MULCH OR WET BURLAP.
5. NO EQUIPMENT, VEHICLES OR MATERIALS SHALL BE OPERATED OR STORED WITHIN THE ROOT PROTECTION ZONE. NO CLEAN-OUT AREAS WILL BE CONSTRUCTED SO THAT THE MATERIAL WILL BE IN OR MIGRATE TO THE ROOT PROTECTION ZONE.
6. NO GRADE CHANGE MORE THAN 3" IS ALLOWED WITHIN THE ROOT PROTECTION ZONE.
7. ROOTS OR BRANCHES IN CONFLICT WITH CONSTRUCTION SHALL BE CUT CLEANLY ACCORDING TO PROPER PRUNING METHODS. ALL OAK WOUNDS SHALL BE PAINTED WITHIN 30 MINUTES TO PREVENT OAK WILT INFECTION.
8. ANY TREE REMOVAL SHALL BE APPROVED BY THE CITY OF SAN ANTONIO.
9. TREES WHICH ARE DAMAGED OR LOST DUE TO THE CONTRACTOR'S NEGLIGENCE DURING CONSTRUCTION SHALL BE MITIGATED.
10. TREES MUST BE MAINTAINED IN GOOD HEALTH THROUGHOUT THE CONSTRUCTION PROCESS. MAINTENANCE MAY INCLUDE WATERING THE ROOT PROTECTION ZONE AND OR WASHING FOLIAGE.
11. NO WIRES, NAILS OR OTHER MATERIALS MAY BE ATTACHED TO PROTECTED TREES.

SUMMERHILL MDP FLOODPLAIN DEVELOPMENT TABLE		PRESERVATION PERCENTAGE
TOTAL PROJECT AREA	54.15 AC	
TOTAL TREE CANOPY WITHIN PROJECT AREA	13.68 AC	
TOTAL TREE CANOPY DEVELOPABLE LOCATED OUTSIDE 30' FLOODPLAIN BUFFER	0.70 AC	
TOTAL TREE CANOPY LOCATED WITHIN 30' FLOODPLAIN BUFFER	0.71 AC	
TOTAL TREE CANOPY LOCATED WITHIN 100 YEAR FLOODPLAIN	12.27 AC	
TOTAL TREE CANOPY PRESERVED DEVELOPABLE	0.70 AC PRESERVED	100%
TOTAL TREE CANOPY PRESERVED LOCATED WITHIN 30' FLOODPLAIN BUFFER	0.71 AC PRESERVED	100%
TOTAL TREE CANOPY PRESERVED LOCATED WITHIN 100 YEAR FLOODPLAIN	10.00 AC PRESERVED	81.49%
TOTAL HERITAGE TREE CANOPY PRESERVED LOCATED WITHIN 100 YEAR FLOODPLAIN	33" REMOVED	0.00%

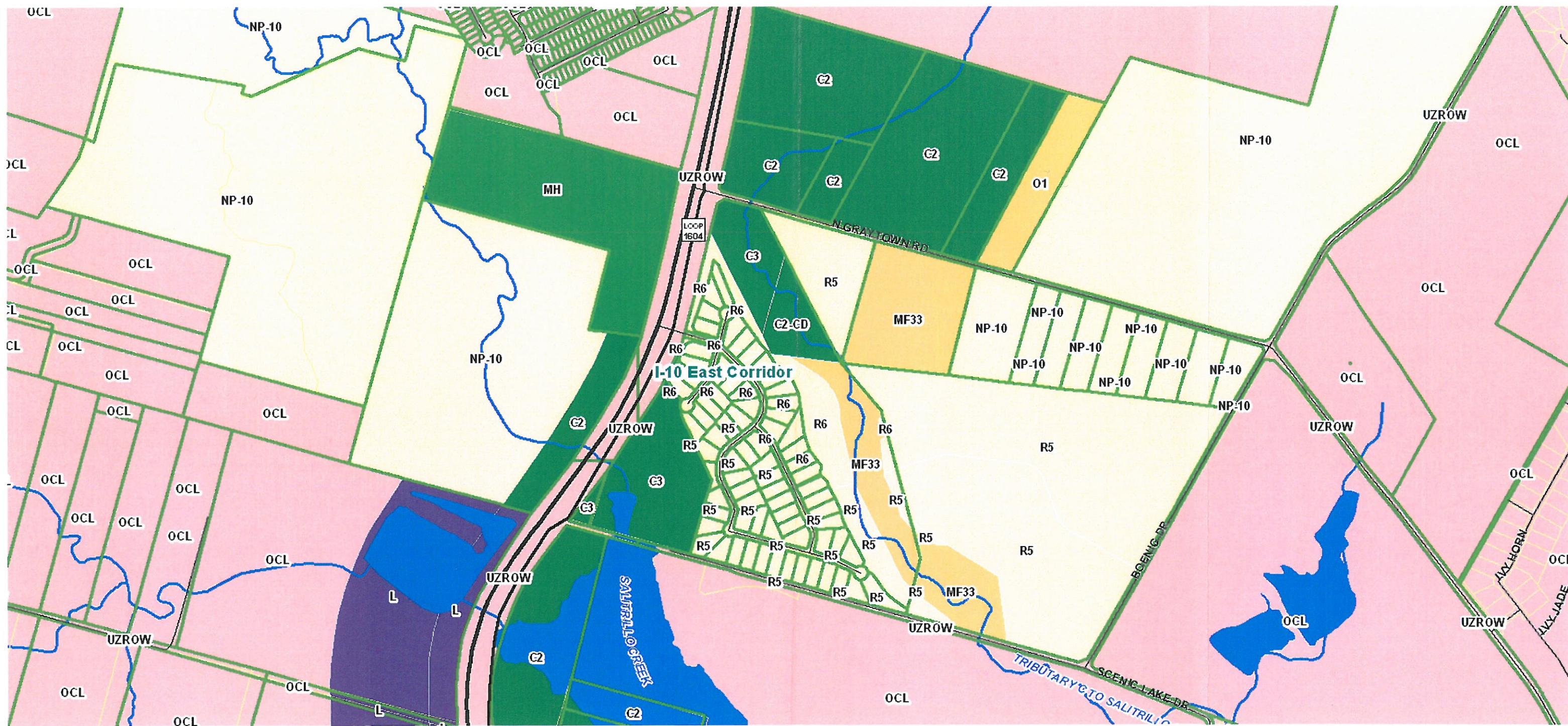
PROTECTED HERITAGE TREE SPECIES INVENTORY TABLE 1:1 RATIO (23.5" & GREATER)			
TAG #	SPECIES	REMOVED	PRESERVED
10774	MESQUITE	33	
SUB. TOT. INCHES		33	0
TOTAL INCHES BY CATEGORY			33
HERITAGE PRESERVATION WITHIN THE 100 YEAR FEMA FLOODPLAIN			0%
HERITAGE MITIGATION REQUIRED (INCHES)			33

**SUMMERHILL MASTER DEVELOPMENT PLAN**  
FLOODPLAIN IMPROVEMENTS  
TREE CANOPY PRESERVATION

JOB NO. 205-18-01  
DATE: June 2015  
DRAWN: J.J. CHECKED: C.G.  
SHEET NUMBER:

ISSUE DATE  
REVISIONS





COUNCIL DISTRICT 2