

July 18, 2017



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: Graytown Road Improvements
UDC Sec. 35-523 Table 523-1B

- ☐ 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 a road located along Graytown Road to the East of Loop 1604. This AEVR is in addition to the AEVR that was previously approved with the initial tree permit AP# 2057043 approved July 14, 2015 and CLOMR (Case #13-06-3184R). The land requiring the AEVR is a portion of the Summerhill Master Development Plan (14-00028). The purpose of this AEVR is to request an exception to Unified Development Code 35-523, Table 523-1B which states a minimum preservation requirement shall be, "80% of the total canopy area and 100% of the heritage trees" when located within the regulatory floodplain.

The Unified Development Code requires the upgrade of Graytown Road which includes the installation of a secondary arterial pavement section and a multiple box culvert system for the development of this property. Graytown Road is listed on the major thoroughfare plan. However, this portion of the Graytown Road improvements are not associated with the Capital Improvements Project (CIP) and will be fully funded by the Developer, Velma Development LLC. A FEMA CLOMR has been approved (Case #16-06-4003R) granting authorization for the multiple box culvert system and the modification of the existing FEMA Floodplain. The installation of the multiple box culvert system will allow the 1% AC storm event flow to safely pass through the proposed drainage structure, while never inundating the proposed secondary arterial. Since the creek's proximity is close to loop 1604, the drainage improvements had to be lowered in order for the road to tie into Loop 1604 and meet the roadway design criteria of both the City of San Antonio and Texas Department of Transportation (TxDOT). The design perimeters also include maintaining traffic within the

general confines of existing Graytown Road. A temporary easement on the adjacent northern property has been acquired so a temporary bypass roadway can be constructed and provide access to Summerhill Master Development Plan until the proposed Graytown Road improvements are completed. At this time only one half of the roadway improvements are being installed, additional right-of-way will be required in the future from the adjacent landowner for the ultimate roadway and utility improvements. The temporary bypass road will be located within the limits of the future road dedication and utility easement. The downstream grading associated with the drainage structures will remove tree canopy causing a drop below the required 80% canopy preservation to 75%, thus requiring this AEVR. There were no alternative design options that would preserve the trees due to the confines of the project geometry. The previously approved Tree Preservation Plan dated 2-14-15, had preserved 81.49% of the tree canopy within the 100 yr floodplain (see attachment).

The intent of this variance is to request permission to mitigate the removal back to the 81.49% tree canopy within the floodplain. This will occur west of the Summerhill Subdivision entrance where there is current streetscape irrigation available. The canopy will be mitigated with 33 – 1.5" native large canopy shade trees and will be irrigated. See attached calculations for the tree canopy mitigation, planting plan and preliminary irrigation plan.

Tree Canopy Preservation Table	
	Preservation %
Total Tree Canopy Preserved Developable	100%
Total Tree Canopy Preserved Located Within The 30' Floodplain Buffer	99%
Total Tree Canopy Preserved Located Within 100 Year Floodplain	75%
Total Tree Canopy Mitigation Located Within 100 Year Floodplain	6.49%
Total Tree Canopy Preservation Located within 100 Year Floodplain	81.49%

The proposed grading will provide 99 % preservation of the tree canopy located within the 30' floodplain buffer and 100% within the developable area located outside the 30' floodplain buffer. The proposed grading does require the removal of additional tree canopy within the 100 Year Floodplain located on the downstream side of the proposed improvements. Therefore, the owner respectfully requests a variance from strict compliance with the Tree Preservation Ordinance due to the fact that the required tree canopy 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 has previously planted 40 inches of mitigation, for the removal of the heritage tree, which is irrigated along the entry road of Summerhill Subdivision Unit 1.

In support of the above AEVR allowing removal of trees without preserving a minimum 80% of the tree canopy located within the flood plain, 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 80% of the existing tree canopy in-place is due to the fact that there has been necessary grading within the FEMA flood plain to protect the health and welfare of existing homes, and additional grading improvements is necessary within the floodplain to upgrade an existing City of San Antonio road to the required major thoroughfare criteria. The roadway improvements are such that it cannot preserve the required tree canopy without altering restrictions set forth by an approved FEMA CLOMR and COSA roadway requirements.
- (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 to minimize negative impacts to trees within the project limits. To stay within the spirit of the Unified Development Code and respect for the Tree Preservation Ordinance the developer previously installed 40 inches of mitigation 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 as well as provide unsafe vehicular access on the City's major thoroughfare. 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 the UDC requires the development of private property to upgrade existing substandard roads to current standards, additional tree removal is necessary to install the required improvements along the established alignment. Without agreeing to make the required road and drainage improvements the development would not have met the City of San Antonio Unified Development Code.

- 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 previous grading and proposed installation of the upgraded drainage and roadway improvements impact the tree canopy preservation requirements. Failure to stay in compliance with the guidelines set forth in the approved FEMA CLOMR and the Major Thoroughfare Planned requirements could inadvertently put adjacent home/land owners at risk of potential flooding and the citizens of Bexar County in harms way traveling on the substandard roadway.
- 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 and the Unified Development Code requires the upgrade of Graytown Road to criteria impacting existing trees.

In conclusion, granting this AEVR and permitting Gordon V. Hartman, President of Velma Development, LLC. to remove tree canopy located within the 100 Year Floodplain and mitigate back to the previously approved 81.49% 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,



Rick Gray, P.E., C.F.M.
Senior Project Manager
Agent for the Owner

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