



September 20, 2018

Variance Request Review

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

Re: Interchange Park North Building 3, A/P #2168036
UDC Sec. 35-523, Tree Preservation, minimum 80% preserved in-place, Riparian Buffer Trees



Administrative Exception



Environmental Variance



Subdivision Platting Variance – Time Extension

Dear COSA DSD:

The following variance request is submitted on behalf of IGX Interchange, LLC (the "Owner"), owner of an existing tract of developed land located at 3109 East Loop 410 in San Antonio, Texas (the "Property"). The Owner recently constructed a new industrial building with associated site improvements on the Property under the above-reference permit application and currently proposes to remove one (1) existing 20" huisache located near the northeast corner of the building. Other than preserving a minimum of 80% of the existing Riparian Buffer Trees in-place, the proposed construction will comply with the applicable sections of the Unified Development Code (UDC).

The Property is composed of approximately 7.50 acres of land zoned for light industrial use. Of the total site area, approximately 4.82 acres are located either within the regulatory flood plain or on the opposite site of an existing detention pond and therefore inaccessible, leaving approximately 2.68 acres of net developable land outside the flood plain. The industrial building constructed by the Owner under the above-referenced permit application is located entirely outside the regulatory flood plain.

There are two (2) existing Protected Trees located within the 30 foot Riparian Buffer adjacent to the regulatory flood plain, a 20" huisache (Tag #877) and a 22" huisache (Tag #001). Both existing Riparian Buffer Trees were preserved during construction of the existing industrial building under the above-referenced permit application. In order to preserve tree #877, which is located approximately 14" inside the limit of the Riparian Buffer, the Owner constructed a tree well adjacent to the northeast corner of the building. Due to the immediate proximity of the adjacent flood plain, constructing the tree well required to preserve tree #877 restricted the width of the drive aisle at the northeast corner of the building to less than 10 feet, making it impossible for semi trucks to access the loading docks at the rear of the building from the north side of the parking lot.

The Owner presently has a contract to lease or sell the existing industrial building to a prospective tenant or buyer; however, in order to complete the sale the Owner is contractually obligated to remove tree #877 such that the prospective tenant or buyer may access the loading docks at the rear of the building from the north side.



Thus, the Owner requests a variance from strict compliance with the UDC due to the fact that one of the two (2) existing Riparian Buffer Trees on the Property must be removed in order to access the rear loading docks from the north side of the building, resulting in less than 80% in-place preservation of the existing Riparian Buffer Trees.

In support of the above VARIANCE allowing development of the Property without preserving a minimum 80% of the Riparian Buffer Trees in-place, the Owner offers the following:

- (1) The hardship requiring this VARIANCE is unique to the property. Due to the disproportionately large amount of the total site area that is either within the regulatory flood plain or on the opposite site of an existing detention pond and the fact that there are only two (2) existing Protected Trees located within the 30 foot Riparian Buffer adjacent to the regulatory flood plain, the Owner is unable to preserve a minimum 80% of the existing Riparian Buffer Trees in-place because tree #877 must be removed in order for the prospective tenant or buyer to access the loading docks at the rear of the building from the north side.
- (2) This VARIANCE 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.” In this case, due to the disproportionately large amount of the total site area that is either within the regulatory flood plain or on the opposite site of an existing detention pond and the fact that there are only two (2) existing Protected Trees located within the 30 foot Riparian Buffer adjacent to the regulatory flood plain, the Owner is unable to preserve a minimum 80% of the existing Riparian Buffer Trees in-place because tree #877 must be removed in order for the prospective tenant or buyer to access the loading docks at the rear of the building from the north side. As a result, the proposed in-place preservation rate for Riparian Buffer Trees is 52.38% and a total mitigation of 12.0 caliper inches is required. However, the Owner will mitigate this shortfall over and above the stipulated minimum in the following manner:
 - A. Providing 100% mitigation of 80% of both existing Protected Trees located within the Riparian Buffer by making a payment of \$6720 to the City tree fund, representing 33.6 cal. Inches of tree mitigation @ \$200 per cal. Inch.
 - B. Preserving Tree #001 (22” Huisache) and receiving no preservation credit to offset mitigation
 - C. Preserving 21 cal. Inches of Undersized Trees located within the Riparian Buffer
- (3) The Owner has sought to minimize any potentially adverse impacts on the public health, safety, and welfare. By preserving 21 caliper inches of existing undersized trees located within the Riparian Buffer and making a payment of \$6720 (33.6.0 caliper inches of mitigation due x \$200 per caliper inch), the Owner has ensured that the proposed mitigation surpasses the minimum required by the UDC.

Additionally, as described more specifically below, this VARIANCE meets the approval criteria stipulated in UDC Sec. 35-483 (h):

- If the applicants comply strictly with UDC Sec. 35-523 (e) (1), they cannot make reasonable use of their property. Due to the fact that a disproportionately large amount of the total site area that is either within the regulatory flood plain or on the opposite site of an existing detention pond and the fact that there are only two (2) existing Protected Trees located within the 30 foot Riparian Buffer adjacent to the regulatory flood plain, the Owner is unable to preserve a minimum 80% of the existing Riparian Buffer Trees in-place



because tree #877 must be removed in order for the prospective tenant or buyer to access the loading docks at the rear of the building from the north side. As a result, the in-place preservation ratio for Riparian Buffer Trees of 52.38%.

- The hardship in question relates to the Owner's land, rather than personal circumstance. This VARIANCE is required due to the fact that a disproportionately large amount of the total site area that is either within the regulatory flood plain or on the opposite site of an existing detention pond and the fact that there are only two (2) existing Protected Trees located within the 30 foot Riparian Buffer adjacent to the regulatory flood plain, one of which must be removed in order for the prospective tenant or buyer to access the loading docks at the rear of the building from the north side.
- The hardship is unique, or nearly so, rather than one shared by many surrounding properties. See above.
- The hardship is not the result of the applicant's own actions. The disproportionately large amount of the total site area that is either within the regulatory flood plain or on the opposite site of an existing detention pond and only two (2) existing Protected Trees located within the 30 foot Riparian Buffer adjacent to the regulatory flood plain were present before the Owner acquired the Property.

In conclusion, granting this VARIANCE and permitting the Owner to remove one (1) of the only two (2) the only existing Riparian Buffer Tree on the Property will allow development within the spirit of the UDC and pose no threat to health, safety, or public welfare.

Thank you for considering the foregoing request.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jon Robinson', written over a horizontal line.

Jon Robinson, Agent for the Owner

For Office Use Only:	VARIANCE _____	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: _____	_____	
_____	_____	