



CITY OF SAN ANTONIO

DEVELOPMENT SERVICES DEPARTMENT

VARIANCE REQUEST ANALYSIS TPV 18-033

Project:	River Rock Ranch MDP
Address:	Boerne Stage Road & River Ranch
A/P #/PPR #/Plat#:	AP# 1803747
VR Submittal Date:	September 20th, 2018
VR Submitted by:	Mr. Mark Kastner, P.E., of Coursen-Koehler Engineering on behalf of Jeff Hutzler of Green Land Ventures
Issue:	Below 100% heritage tree preservation within Environmentally Sensitive Area (2015 Ordinance)
Code Sections:	Unified Development Code (UDC), Section 35-523 (h)
By:	Herminio Griego, Assistant City Arborist

The Development Services Department (DSD) has reviewed the information presented in Mr. Mark Kastner's letter dated September 20th, 2018.

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."

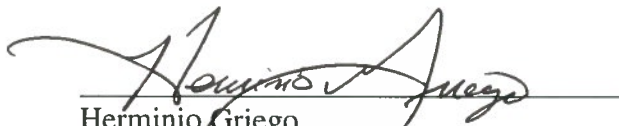
The applicant is requesting a Variance Request to mitigate for removal of heritage trees in excess of the 100% heritage tree preservation requirement within the Environmentally Sensitive Area in place under the 2015 Tree Preservation Ordinance for construction of the River Rock Ranch Master Development Plan. DSD staff does agree with the applicant's request to mitigate for heritage trees below 100% preservation for the following reasons:

1. *Existing site conditions* - Due to existing site conditions, design and layout constraints, the project is unable to preserve the minimum 100% of heritage trees within the Environmentally Sensitive Area (ESA). The land plan for the additional units of River Rock Ranch includes a private street that partially encroaches into the 60' floodplain buffer. The project contains a total of three heritage oak trees located within the 60' floodplain buffer. Of the three existing heritage trees, one 26 inch Live Oak will have to be removed for the construction of a new road. The other two heritage trees will be preserved. The proposed ROW cannot be revised or relocated to avoid the one 26 inch heritage oak tree.


2. *Tree mitigation* - The project will meet the Environmentally Sensitive Area mitigation requirement of 78 inches by planting (53) – 2 inch caliper native medium to large shade trees for a total of 106 inches or 135% mitigation. These mitigation trees will be planted back throughout the development. Out of the 53 trees being planted for mitigation, 7 will be planted within the environmentally sensitive area, 8 will be planted around a water quality pond, 31 will be planted around a detention pond, and 7 will be planted within residential lots near the ESA. To ensure the health and survivability of the trees, irrigation, mulch and compost will be installed and maintained annually.

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

RECOMMENDATION: Approval

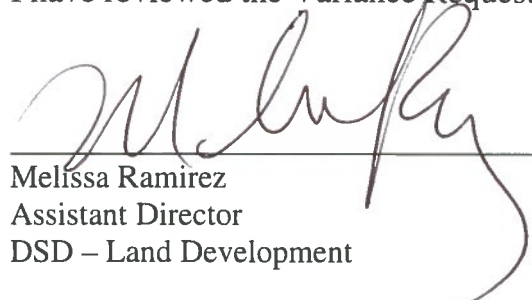

Herminio Griego
Assistant City Arborist
DSD – Land Development – Tree Preservation

10-1-18
Date


Kevin Collins, P.E.
Development Services Engineer
DSD – Land Development - Engineering

10/1/18
Date

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


Melissa Ramirez
Assistant Director
DSD – Land Development

10/2/18
Date

TPV-18-033




CITY OF SAN ANTONIO

DEVELOPMENT SERVICES DEPARTMENT

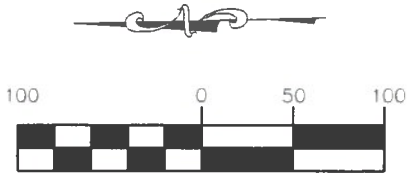
1901 S. Alamo, San Antonio, TX 78204

ADMINISTRATIVE EXCEPTION/VARIANCE REQUEST APPLICATION

Project Name:	River Rock Ranch
A/P # /PPR # /Plat #	AP#: 1803747
Date:	9/7/2018
Code Issue:	Heritage tree removal in floodplain buffer
Code Sections:	UDC 35-523

Submitted By:	<input type="checkbox"/> Owner	<input checked="" type="checkbox"/> Owners Agent * (Requires notarized Letter of Agent)
Owners Name: Jeff Hutzler		
Company: Green Land Ventures		
Address: 916 E. Blanco, Suite 100, Boerne, Texas		Zip Code: 78006
Tel #: 830-331-9400 Fax#		E-Mail: jeff@hutzlercivil.com
Consultant: Mark Kastner		
Company: Coursen-Koehler Engineering & Associates a division of Westwood		
Address: 1718 Dry Creek Way, Suite 110, San Antonio, Texas		Zip Code: 78259
Tel #: 210-265-8312 Fax#		E-Mail: satxland@westwoodps.com
Signature: 		

<u>Additional Information – Subdivision Plat Variances & Time Extensions</u>				
1.	<input type="checkbox"/> Time Extension	<input type="checkbox"/> Sidewalk	<input checked="" type="checkbox"/> Floodplain Permit	<input type="checkbox"/> Completeness Appeal
	<input type="checkbox"/> Other _____			
2.	City Council District <u>8</u>	Ferguson Map Grid <u>447 B7</u>	Zoning District <u>OCL</u>	
3.	San Antonio City Limits	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	
4.	Edwards Aquifer Recharge Zone?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	
5.	Previous/existing landfill?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	
6.	Parkland Greenbelts or open space? Floodplain?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	



SCALE: 1" = 100'

LEGEND



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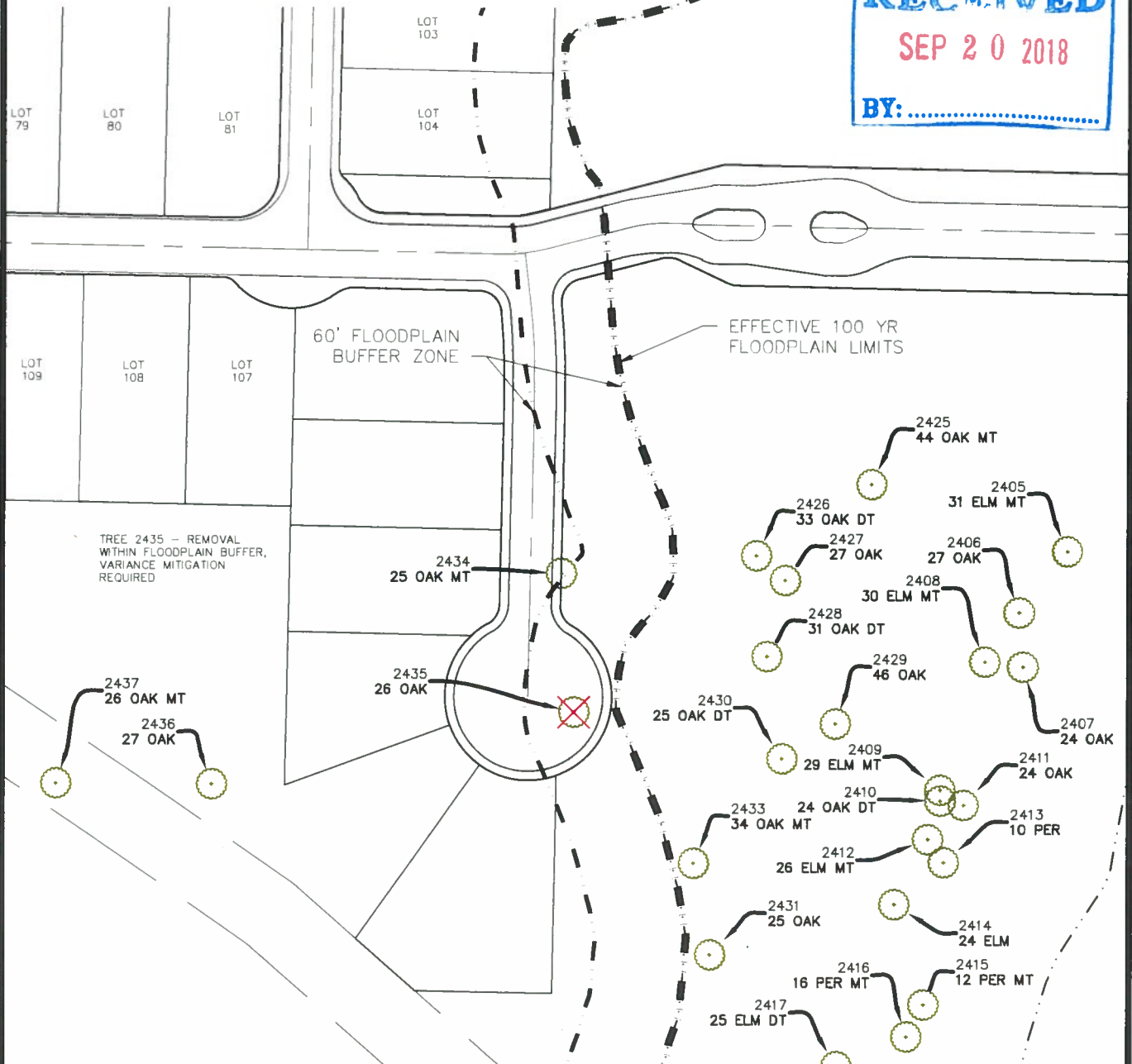
HERITAGE TREE
TO BE REMOVED

LAND DEVELOPMENT
SERVICES DIVISION

RECEIVED

SEP 20 2018

BY:.....



COURSEN-KOEHLER

ENGINEERING & ASSOCIATES

a division of Westwood

1718 Dry Creek Way, Suite 110 • San Antonio, Texas 78259
Tel: 210.265.8300 • Fax: 210.855.5530
TBPE Firm No. F-11756 • TBPLS Firm No. 10194064
www.westwoodps.com

RIVER ROCK RANCH VARIANCE EXHIBITS

HERITAGE TREE CONFLICT IN
PROPOSED ROW

JOB NO.: 11290.00

DATE: AUGUST 31, 2018

DRAWN: JWB

REVISIONS:

EXHIBIT 1

COURSEN-KOEHLER

ENGINEERING & ASSOCIATES

a division of **Westwood**

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LAND DEVELOPMENT
SERVICES DIVISION

August 29, 2018

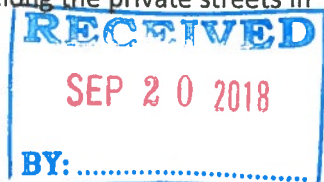
Administrative Exception / Variance Request Review
City of San Antonio
Development Services Department
1901 S. Alamo
San Antonio, Texas 78204

Re: River Rock Ranch MDP (18-00009)
Tree Plan A/P# 1803747
Heritage Tree Removal in Floodplain Buffer (UDC 35-523)
Environmental Variance

Dear Development Services,

An Environmental Variance is hereby requested for the River Rock Ranch Master Development Plan, in reference to UDC 35-523(h). River Rock Ranch is an existing single-family residential Planned Unit Development (PUD) community located in the ETJ of San Antonio, in Bexar County, Texas, with private streets. The PUD is located off Boerne Stage Road, approximately 1 mile east of the intersection with Scenic Loop Drive. The referenced MDP consist of three single-family units (125 total lots), bridge, and community park. One of the single family units is located adjacent to the 100-year floodplain of Leon Creek. Per UDC 34-913(a), a 60' floodplain buffer is required along the floodplain limits in this area. The floodplain buffer has been identified by City personnel as an environmentally sensitive area (ESA). This variance request is in reference to tree mitigation requirements in such ESAs.

Section 35-523(h) states that heritage trees located in the 100-year floodplain and ESAs shall be preserved at one hundred percent. The land plan for the additional units of River Rock Ranch includes a private street that partially encroaches into the 60' floodplain buffer. A 26" oak tree, classified as a heritage tree, is located within a portion of the right of way (ROW), and is also inside the floodplain buffer. The developer intends to mitigate the removal of this tree by planting additional trees, around a detention pond and water quality pond, which are part of this additional development, as well as along the private streets in



close proximity to the heritage tree being removed. Typical required mitigation for heritage trees is a 3:1 ratio in caliper inches. Total number of new trees to be planted to offset the removal of the variance heritage tree will be 53-2" oak trees, totaling 106 caliper inches, which equates to a ratio of over 4:1. To ensure the health and survivability of the trees, landscaping irrigation lines will be installed for regular watering, and mulching and composting maintenance will be maintained annually. Planting plans in the described areas for the variance trees, as well as the Irrigation lines and meters are shown on Sheet 3 of 4 of the Tree Preservation Plan. Annual maintenance of the trees shall comply, at a minimum, with the Tree Establishment Water Schedule, included in this submission package. Please note, the additional trees described in the mitigation efforts for this variance request are separate and not counted in the heritage tree mitigation efforts for the remainder of the project.

Per said section, mitigation of this tree is prohibited unless a variance is granted by the Planning Commission. A variance to UDC 35-523(h) is requested to allow the developer to remove the single heritage tree located within the private ROW and floodplain buffer. Adherence to the standard requirement for this specific instance will create undue hardship for the developer with the following characteristics:

- If the applicant complies strictly with the provisions of these regulations, they can make no reasonable use of their property. The location of the heritage tree is within the only feasible location to place a private street, that will allow the property to the north of the street to be subdivided into viable lots. The residential lots would not meet standard depth requirements if the private street was shifted up to avoid the heritage tree; and
- The hardship relates to the applicant's land, rather than personal circumstances. The tree in question was not planted by the applicant, and the applicant had no control over the location of the tree; and
- The hardship is unique, or nearly so, rather than one shared by many surrounding properties. The variance request is in relation to the removal of a single tree within a floodplain buffer being identified as an "environmentally sensitive feature," which was triggered due to the applicant's land being so close to the floodplain; and
- The hardship is not the result of the applicant's own actions; and



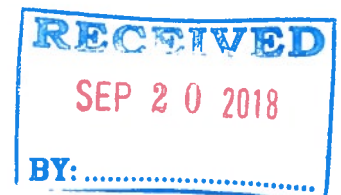
- The granting of the variance will not be injurious to other property and will not prevent the orderly subdivision of other property in the area in accordance with these regulations. Furthermore, the mitigation proposed by the applicant will result in more trees in the vicinity, that will be more visible and nurtured by the community.
- In our professional opinion, the proposed 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.

Due to constraints of the 100-year floodplain to the south of the proposed ROW, and existing residential lots and infrastructure to the north, the proposed ROW cannot be revised or relocated to avoid the tree in question. Granting this variance will not be contrary to the spirit and intent of the UDC because, outside ESAs and floodplains, heritage trees that fall within proposed ROW's are exempt from mitigation requirements when removed, and the developer will mitigate the tree's removal at a 4:1 ratio within the development, which is above and beyond the required 3:1 ratio specified in the UDC. The developer has explored all practicable measures to minimize any adverse impacts to public health, safety, and public welfare, and has committed to mitigating the single tree to potentially improve public welfare, by providing additional trees in areas that are more visible and visited by the general public. Granting of this variance will provide more benefit to the public interest than requiring the tree in question to remain. The unit associated with this variance will not be feasible due to land restraints if the tree is not removed, as there is not another way to extend the ROW around the tree to service the proposed lots. Additionally, removal of the existing tree will be mitigated with 53 additional trees.

Respectfully,



Mark Kastner, P.E.



Tree Establishment Water Schedule

Recommendations are made assuming all the following horticultural best management practices have been followed:

- One (1) inch of compost should be incorporated into the soil or back fill.
- Planting holes are a minimum of twice the width of the root ball and have sloping sides
- The root ball is planted at grade.
- Water the entire planting site until soil is saturated
- Two (2) inches of hardwood chip or pine bark or similar substance has been placed evenly over the entire planting site.

Establishment Water Schedule

Note: refer to <http://hort.ufl.edu/woody/>

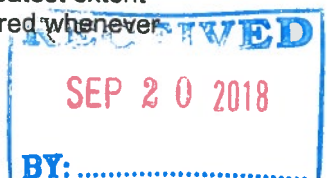
The following schedule applies when rainfall is absent. If normal rainfall occurs, you must reduce or eliminate watering during that portion of the Establishment or Maintenance Phase.

- **Frequency**
 - 1st Month – water three (3) times a week over root ball only
 - 2nd Month – water two (2) times a week over root ball only
 - 3rd Month – water once (1) a week
 - Next six months – water twice a month
 - Next summer – water 1-2 times in March, April, May, June, July, August, September
- **Water Amount (per event)**
 - < 3 inch trunk – one (1) gallon per trunk inch
 - > 3 inches trunk – two (2) gallons per trunk inch
- **Trees planted in winter** – eliminate 1st Month Schedule
- **Use of Treegator®** – eliminate 1st and 2nd Months Schedule. Retain the 3rd Month Schedule for the next three months, the six months, and the next year's schedule.

Maintenance Schedule

(See the Woody Plant BMP for the Complete List of Practices)

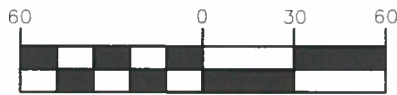
- Native and adapted non-native plants that have been properly planted and established and grouped with similar water needs require little or no supplemental irrigation.
- If required, supplemental irrigation is recommended at the beginning and towards the end of a target plant species' growing season (growing season = March to October). Thirty (30) day events are preferred.
- When irrigation is necessary, water deeply until at least the first 4 inches of soil are saturated. Cycle and soak may be necessary to achieve this. However, the preferred methods of woody plant irrigation are drip, bubbler, soaker hose, and by hand.
- Annual applications of 1 inch of compost and 2 inches of mulch to the greatest extent possible over the root zone. Less turf and more mulch are always preferred whenever and wherever possible.



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LAND DEVELOPMENT
 SERVICES DIVISION



SCALE: 1" = 60'



PROPOSED 2" TREE
 FOR VARIANCE MITIGATION

EFFECTIVE 100 YR
 FLOODPLAIN LIMITS

60' FLOODPLAIN
 BUFFER ZONE

PROPOSED PRIVATE
 STREET

UNIT 3B5 LOTS

RIVER LEDGE
 (PRIVATE STREET)

UNIT 3B LOTS

WARBLER CREEK
 (PRIVATE STREET)

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RIVER ROCK RANCH VARIANCE EXHIBITS

TREE PLANTING I

JOB NO.: 11290.00

DATE: SEPTEMBER 14, 2018

DRAWN: DAD

REVISIONS:

EXHIBIT 2

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SEP 20 2018

BY:

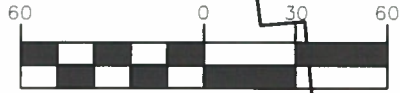
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U.C.
TYPICAL

PROPOSED
WPAP POND

PROPOSED DEVELOPMENT
SEWER DIVISION
PRIVATE STREET



SCALE: 1" = 60'



PROPOSED 2" TREE
FOR VARIANCE MITIGATION

50' TREESCAPE
BUFFER ZONE

PROPOSED
DETENTION POND

UNIT 3B2 LOTS

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RIVER ROCK RANCH VARIANCE EXHIBITS

TREE PLANTING II

JOB NO.: 11290.00

DATE: SEPTEMBER 14, 2018

DRAWN: DAD

REVISIONS:

EXHIBIT 3