

TPV 19-010



# CITY OF SAN ANTONIO

DEVELOPMENT SERVICES DEPARTMENT

1901 S. Alamo, San Antonio, TX 78204

## ADMINISTRATIVE EXCEPTION/VARIANCE REQUEST APPLICATION

<b>Project Name:</b>	Davis Ranch Units 3A, 3B, 4A, and 4B
<b>A/P # /PPR # /Plat #</b>	2422847, 2424692 <i>Plat 18-90004</i>
<b>Date:</b>	January 11, 2019
<b>Code Issue:</b>	Min. 80% In-Place Preservation, Riparian Buffer
<b>Code Sections:</b>	Sec. 35-523, Table 523-1A, Min. Tree Preservation

<b>Submitted By:</b>	<input type="checkbox"/> Owner	<input checked="" type="checkbox"/> Owners Agent * (Requires notarized Letter of Agent)
<b>Owners Name:</b>	Bryan Sims	
<b>Company:</b>	HDC Davis Ranch, LLC	
<b>Address:</b>	45 NE Loop 410, Suite 225, San Antonio TX 78216	
<b>Tel #:</b>	210-838-6784	<b>E-Mail:</b> bryansims@heartwoodcompanies.com
<b>Consultant:</b>	Jon Robinson	
<b>Company:</b>	Horizon Design and Development, Inc.	
<b>Address:</b>	14607 San Pedro Ave., Suite 200, San Antonio, TX	<b>Zip Code:</b> 78222
<b>Tel #:</b>	(210) 831-8564	<b>Fax#</b> N/A
		<b>E-Mail:</b> jrobinson@horizondesign-sa.com
<b>Signature:</b>		

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DEVELOPMENT SERVICES  
DIVISION

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

1.  Time Extension     Sidewalk     Floodplain Permit     Completeness Appeal  
 Other \_\_\_\_\_

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



January 17, 2019

Variance Request Review

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

Re: Davis Ranch Units 3A, 3B, 4A, and 4B, A/P #'s 2422847 and 2424692  
UDC Sec. 35-523, Tree Preservation, minimum 80% preserved in-place, Riparian Buffer

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

Dear COSA DSD:

The following Variance request is submitted on behalf of HDC Davis Ranch, LLC (the "Owner"), owner of Units 3A, 3B, 4A, and 4B of Davis Ranch, totaling approximately 68.85 acres of an approximately 230-acre tract of partially-developed single-family community located on Galm Road at Swayback Ranch Road in San Antonio, Texas (the "Property"). 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).

Development of Units 3A, 3B, 4A, and 4B entails construction of the following improvements:

1. Approximately 1070 LF of Davis Ranch Parkway
2. 231 new single-family residential lots
3. Overhead electrical service along the western boundary of the Property

The western boundary of the Property abuts an existing regulatory flood plain. Within the 30'-0" Riparian Buffer adjacent to the regulatory flood plain and along the western boundary of the proposed residential lots, there are 1833 caliper inches of existing Significant Trees and 127 caliper inches of existing Heritage Trees.

Although the proposed scope of work does not entail any grading or tree removal within the regulatory flood plain adjacent to Units 3A, 3B, 4A, and 4B, development of the proposed residential lots requires the Owner to provide overhead electrical service from the public connection to the proposed residential lots. The electrical service provider requires a 28'-0" electrical easement adjacent to the western boundary of the Property between the proposed homes and the existing regulatory flood plain, and the electrical services provider requires all the existing trees within the easement to be removed. For approximately 90% of its length, the proposed overhead electrical easement overlaps the existing 30'-0" Riparian Buffer adjacent to the regulatory flood plain. As a result of this overlap and the electrical service provider's requirement that all existing trees within the overhead electrical easement be removed, the tree removal and preservation ratios for the Riparian Buffer are as follows:

1. Significant Trees: 456 caliper inches removed, 75.12% preservation ratio
2. Heritage Trees: 53 caliper inches removed, 58.3% preservation ratio

Thus, the Owner requests a Variance from strict compliance with the UDC due to the fact that the electrical service provider requires removal of all the existing trees located within the proposed overhead electrical easement that overlaps the Riparian Buffer along the western boundary of the Property, resulting in less than 80% in-place preservation of the existing Riparian Buffer Trees and a total mitigation due of 248 caliper inches.

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

- (1) The hardship requiring this Variance is unique to the property. Due to the fact that the electrical service provider requires removal of all the existing trees located within the proposed overhead electrical easement that overlaps the Riparian Buffer along the western boundary of the Property, the Owner is unable to preserve a minimum 80% of the existing Riparian Buffer Trees in-place.
- (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 fact that the electrical service provider requires removal of all the existing trees located within the proposed overhead electrical easement that overlaps the Riparian Buffer along the western boundary of the Property, the Owner is unable to preserve a minimum 80% of the existing Riparian Buffer Trees in-place. As a result of this required tree removal, a total mitigation of 248 caliper inches of tree mitigation is required. However, the Owner will mitigate this shortfall over and above the stipulated minimum in the following manner:
  - A. Preserving 1902 caliper inches of existing Undersized Trees on the Property
  - B. Planting two (2) new 3” mitigation trees on each of the 231 residential lots within Units 3A, 3B, 4A, and 4B
  - C. Upsizing the two (2) trees per lot required by the UDC on each of the 231 residential lots within Units 3A, 3B, 4A, and 4B from 1.5” to 3”
  - D. Re-seeding 32,790 SF of disturbed area within the Riparian Buffer
  - E. Utilizing the Tree Cluster incentive

The above-described measures result in 580.95 caliper inches of excess mitigation over and above the total mitigation required for construction of Units 3A, 3B, 4A, and 4B. More specifically, the tree mitigation will be provided as follows:

<u>MITIGATION MECHANISM</u>	<u>MITIGATION</u>	<u>APPLIED TOWARD</u>
A. Preservation of Undersized Trees Existing trees of a protected species 2.5” and larger but below protected size based on the species	1902 Cal. Inches	Protected Tree Preservation
B. Preservation of 3071 Cal. Inches of Existing Protected Trees w/ Existing Understory, 115% Tree Cluster Incentive (3 or more, max. 10’ apart)	460.65 Cal. Inches	Protected Tree Preservation
C. (2) 3” Mitigation Trees per Lot	1386 Cal. Inches	Protected Tree Mitigation
D. Upsizing (1) Required Tree per Lot to 3”	<u>346.5 Cal. Inches</u>	Protected Tree Mitigation



Total Protected Tree Mitigation Provided: 4095.15 Cal. Inches  
 Total Protected Tree Mitigation Required: 3764 Cal. Inches  
**Excess Protected Tree Mitigation Provided: 331.15 Cal. Inches**

<u>MITIGATION MECHANISM</u>	<u>MITIGATION</u>	<u>APPLIED TOWARD</u>
A. Re-seeding disturbed area in Riparian Buffer <u>NOTE:</u> Re-seeding will consist of an approved native seed mix applied by drill seeding and established to 85%.	124 Cal. Inches	Riparian Buffer Mitigation
B. Preservation of 182 Cal. Inches of Existing Protected Trees w/ Existing Understory, 115% Tree Cluster Incentive (3 or more, max. 10' apart)	27.3 Cal. Inches	Riparian Buffer Preservation
C. Upsizing (1) Required Tree per Lot to 3"	<u>346.5 Cal. Inches</u>	Riparian Buffer Mitigation
Total Riparian Buffer Mitigation Provided:	497.8 Cal. Inches	
Total Riparian Buffer Mitigation Required:	<u>248 Cal. Inches</u>	
<b>Excess Riparian Buffer Mitigation Provided:</b>	<b>249.8 Cal. Inches</b>	

Additionally, the Owner will provide a post-development tree canopy of 1,882,015 SF, equal to 855,822 SF in excess of the minimum required by the UDC and 69.7% of the net project site area. Tree canopy will be provided in the following manner:

<u>TREE CANOPY MECHANISM</u>	<u>TREE CANOPY CREDIT</u>
A. Preservation of 858 Protected Live Oaks	750,750 SF
B. Preservation of 4 Protected Hackberries	3500 SF
C. Preservation of 4 Protected Cedar Elms	3500 SF
D. Preservation of 12 Protected Ashe Junipers	3300 SF
E. Preservation of 7 Protected Persimmons	1925 SF
F. Preservation of 1 Protected Red Oak	1200 SF
G. Preservation of 2 Protected Mountain Laurels	550 SF
H. Preservation of 1 Protected Mesquite	550 SF
I. Preservation of 354 Undersized Cedar Elms	309,750 SF
J. Preservation of 58 Undersized Live Oaks	50,750 SF
K. Preservation of 10 Undersized Persimmons	2750 SF
L. Preservation of 2 Undersized Hackberries	1750 SF
M. Preservation of 3 Undersized Mesquites	1650 SF
N. Preservation of 5 Undersized Mountain Laurels	1375 SF
O. Preservation of 1 Undersized Ashe Juniper	275 SF
P. (1) New Shumard Oak per Lot w/ Energy Conservation Credit	374,220 SF



Q. (1) New Mex. Sycamore per Lot w/ Energy Conservation Credit	<u>374,220 SF</u>
Total Tree Canopy Provided:	1,882,015 SF
Total Tree Canopy Required:	<u>1,026,193 SF</u>
Excess Tree Canopy Provided:	855,822 SF

(3) The Owner has sought to minimize any potentially adverse impacts on the public health, safety, and welfare. By providing 580.95 caliper inches of mitigation in excess of the minimum required by the UDC and 855,822 SF of post-development tree canopy in excess of the minimum required by the UDC, the Owner has ensured that the proposed mitigation surpasses the minimum required by the UDC.

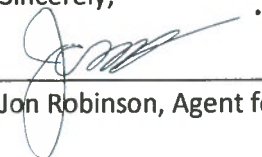
Additionally, as described more specifically below, this Variance meets the approval criteria stipulated in UDC Sec. 35-483 (h):

- 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 the electrical service provider requires removal of all the existing trees located within the proposed overhead electrical easement that overlaps the existing Riparian Buffer along the western boundary of the Property, the Owner is unable to preserve a minimum 80% of the existing Riparian Buffer Trees in-place. If the Owner is unable to provide overhead electrical service to the residential lots along the western boundary of the Property, Units 3A, 3B, 4A, and 4B of the proposed single-family community cannot be developed.
- The hardship in question relates to the Owner's land, rather than personal circumstance. This Variance is required because overhead electrical service must be provided along the western boundary of the Property in an area that overlaps the existing Riparian Buffer and the electrical service provider requires that all existing trees within the easement be cleared, resulting in less than 80% preservation of the existing trees located within the Riparian Buffer.
- 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 existing regulatory flood plain and adjacent 30'-0" Riparian Buffer along the western boundary were present before the Owner acquired the Property.

In conclusion, granting this Variance and permitting the Owner to preserve less than 80% of the existing trees located within the portion of the Riparian Buffer that overlaps the overhead electrical easement in order to provide electrical service to the proposed residential lots in Units 3A, 3B, 4A, and 4B 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,

  
\_\_\_\_\_  
Jon Robinson, Agent for the Owner



**For Office Use Only:** Variance #: \_\_\_\_\_ Date Received: \_\_\_\_\_

**DSD – Director Official Action:**

APPROVED                       APPROVED W/ COMMENTS                       DENIED

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Printed Name: \_\_\_\_\_ Title: \_\_\_\_\_

Comments: \_\_\_\_\_  
\_\_\_\_\_



# CITY OF SAN ANTONIO

## DEVELOPMENT SERVICES DEPARTMENT

### VARIANCE REQUEST ANALYSIS

**TPV19-010**

<b>Project:</b>	Davis Ranch Units 3A, 3B, 4A, and 4B
<b>A/P #/PPR #/Plat#:</b>	AP #2422847
<b>VR Submittal Date:</b>	January 14, 2019
<b>VR Submitted by:</b>	Mr. Jon Robinson with Horizon Landscape Architecture and Development. on behalf of HDC Davis Ranch , LLC
<b>Issue:</b>	Below 80% preservation within 100-year Floodplain (2015 Ordinance)
<b>Code Sections:</b>	Unified Development Code (UDC), Section 35-523 (h).
<b>By:</b>	Herminio Griego, Assistant City Arborist

The Development Services Department (DSD) has reviewed the information presented in Mr. Jon Robinson's letter dated January 11, 2019 letter received on January 16, 2019.

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 significant tree and one hundred (100%) percent heritage tree preservation within both the 100-year floodplains 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 surveyed trees within the 30' Riparian Buffer in excess of the 80% and 100% minimum preservation of protected significant and heritage trees respectively in place under the 2015 Tree Preservation Ordinance for development of the Davis Ranch Units 3A, 3B, 4A, and 4B project. DSD staff does agree with the applicant's request to mitigate via planting for tree survey inches determined to be below 80% significant and 100% heritage tree preservation for the following reasons:

1. *Existing site conditions* – The project includes approximately 68.85 acres with the the construction of 1,070 linear feet of the Davis Ranch Parkway, 231 new single family residential lots, and overhead electrical service located on the western property boundary. The western property boundary includes a 30' Riparian Buffer adjacent to a regulatory floodplain. The Riparian Buffer includes 1,833 inches of Significant Trees and 127 inches of Heritage Trees. The electrical service provider requires overhead electrical service from the public connection to the individual residential lots, and 28' electrical easements on the western property boundary and removal of all trees within the easement. The electrical easement overlaps the Riparian Buffer for 90% of its length. Therefore the

electrical service provider requirements will result in tree removal in Riparian Buffer below the UDC requirements.

- Due to existing site conditions, electrical service provider requirements, and the location of the electrical easement mostly within the Riparian Buffer the project is unable to preserve the minimum 80% of Significant and 100% of heritage trees surveyed along the project’s western boundary. The project and preservation data are presented in the table below:

	Riparian Buffer	Units
<b>Significant Tree Survey Data</b>		
Total Inches	1,833	Inches
Preserved & Credit Inches	1,404.3	Inches
Removed Inches	456	Inches
Preserved %	76.61	%
Required %	80	%
<b>Heritage Tree Survey Data</b>		
Total Inches	127	Inches
Preserved Inches	74	Inches
Removed Inches	53	Inches
Preserved %	58.3	%
Required %	100	%
<b>Mitigation</b>		
Significant	62.1	Inches
Heritage	159	Inches
Total	221.1	Inches

Note: Credits from cluster preservation (Section 35.523(i)(3))

- Required mitigation for the tree survey is 221.1 inches as depicted in the table above:
- Tree mitigation and canopy diversity* – The applicant opted to provide mitigation above and beyond the minimum required in the UDC as identified below: The project will meet the Riparian Buffer tree survey mitigation requirements as follows:

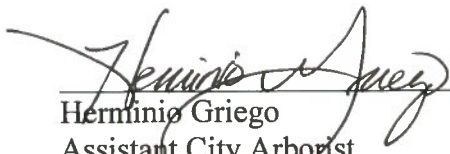


<b>MITIGATION MECHANISM</b>	<b>MITIGATION</b>	<b><u>APPLIED TOWARD</u></b>
A. Re-seeding disturbed area in Riparian Buffer NOTE: Re-seeding will consist of an approved native seed mix applied by drill seeding and established to 85%.	124 Cal. Inches	Riparian Buffer Mitigation
B. Upsizing (1) Required tree per lot to 3"	346.5 Cal Inches	Riparian buffer Mitigation
Total Riparian Buffer Mitigation Provided:	470.5 Cal. Inches	
Total Riparian Buffer Mitigation Required:	<u>221.1 Cal. Inches</u>	
<b>Excess Riparian Buffer Mitigation Provided:</b>	<b>249.4 Cal. Inches</b>	

- The Davis Ranch Units 3A, 3B, 4A and 4B Final tree Canopy required at 38% is 1,026,193 square feet. The total Final Tree Canopy provide is 1,882,015 square feet; resulting in 855,822 square feet of excess tree canopy for a total of 183% area of tree canopy.

DSD staff supports the applicant’s request to fall below 80% Significant Tree an 100% Heritage Tree preservation requirements in 30’ Riparian Buffer based on the conditions of the site, electrical service provider requirements, and exceeding mitigation and tree survey and final canopy cover requirements. The proposed Variance Request meets the intent and spirit of the Tree Ordinance therefore, staff recommends approval.

**RECOMMENDATION: Approval of Administrative Exception**

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

1.18.19  
 \_\_\_\_\_  
 Date

\_\_\_\_\_  
 Kevin Collins  
 Development Services Engineer  
 DSD – Land Development - Engineering

\_\_\_\_\_  
 Date

I have reviewed the Administrative Exception Analysis and concur with the recommendation.

\_\_\_\_\_  
 Melissa Ramirez  
 Assistant Director  
 DSD – Land Development

\_\_\_\_\_  
 Date