



CITY OF SAN ANTONIO

DEVELOPMENT SERVICES DEPARTMENT

VARIANCE REQUEST ANALYSIS

TPV 19-040

Project:	Babcock Terrace Subdivision
Address:	.4 miles north of intersection of Babcock and UTSA Blvd
A/P #/PPR #/Plat#:	A/P #2496003, Plat 18-900109
VR Submittal Date:	July 16, 2019
VR Submitted by:	Mr. Wayne Flores, P.E., on behalf of Mr. Chad Johannesen, Casinos at College Park, LLC
Issue:	Below 80% significant tree and 100% heritage tree preservation within 100-year Floodplain (2010 Ordinance)
Code Sections:	Unified Development Code (UDC), Section 35-523 (h).
By:	Mark C Bird, City Arborist

The Development Services Department (DSD) has reviewed the information presented in Mr. Wayne Flores' letter dated July 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 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 Floodplain in excess of the 80% minimum preservation of protected significant trees in place under the 2010 Tree Preservation Ordinance for development of the Babcock Terrace Subdivision, Plat 18-900109. DSD staff does agree with the applicant's request to mitigate for below 80% significant tree preservation through a combination of planting, preservation of unprotected undersize trees, and payment into the tree mitigation fund for the following reasons:

1. *Existing site conditions* – Due to existing site conditions and layout constraints which required the owner of the property to apply for and receive a Conditional Letter of Map Revision (CLOMR) the project is not able to preserve the minimum 80% of significant trees in the floodplain and Environmentally Sensitive Areas (ESA). Alternative design for improvements to the existing drainage channel resulted in 74% preservation in the floodplain and 72% preservation in the ESA. The proposed site plan design took into account the distribution of trees throughout the subdivision to maximize tree preservation and to minimize potentially adverse impacts to public health, safety, and welfare.

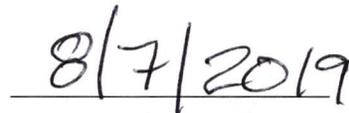
2. *Tree mitigation and canopy diversity* – The project will meet the floodplain mitigation and the ESA/Riparian Buffer mitigation requirement of 116 inches (69.7 inches floodplain plus 46.05 inches floodplain buffer) through a combination of up-sizing trees required to be planted, preserving un-protected undersized trees, payment into the tree mitigation fund and providing a final canopy cover of 49%.
 - a. 64 trees (2 per lot) increase from 1.5” to 2.0” = 32 inches
 - b. Preservation of 290 inches of un-protected, undersized trees in non-floodplain/ESA areas
 - c. Exceed final tree canopy requirement = 49% (required final canopy = 38%)
 - d. Pay into the tree mitigation fund \$19,800.00 (99 inches @ \$200.00 per inch)

DSD staff supports the applicant’s request to fall below 80% Significant Tree requirements in the floodplain and ESA based on the conditions of the site, design constraints, and exceeding mitigation and final tree canopy requirements. The proposed Variance Request meets the intent and spirit of the Tree Ordinance therefore, staff recommends approval.

RECOMMENDATION: Approval of Variance Request



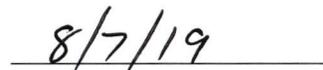
Mark C Bird
City Arborist
DSD – Land Development – Tree Preservation



Date



Kevin Collins
Development Services Engineer
DSD – Land Development - Engineering



Date

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



Melissa Ramirez
Assistant Director
DSD – Land Development



Date



July 16, 2019

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: Babcock Terrace Subdivision (AP#2496003)
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 variance request (VR) is submitted on behalf of Chad Johannesen, Casinas at College Park, LLC ("President"), owner of an existing tract of undeveloped land located 0.4 miles north of the intersection of Babcock Road and UTSA Boulevard in San Antonio, Texas (the "Property"). The plat associate with the VR is the Babcock Terrace Subdivision (18-900109). The purpose of this VR is to request an exception to Unified Development Code 35-523 (h) which states "significant trees shall be preserved at eighty (80) percent preservation ... within environmentally sensitive areas and floodplains."

A Conditional Letter of Map Revision from the Federal Emergency Management Agency, allowing for the channelization and improvement of an existing drainage channel, has been approved for this development (CLOMR #19-06-2091R). There are several existing significant trees within the floodplain where this grading will occur on the Property. In order to properly perform the proposed improvements, some of the existing trees within the floodplain are required to be removed. This request for variance consideration is being submitted because preservation of significant trees within the environmentally sensitive area falls below the eighty (80) percent preservation requirement. The attached tree preservation plan provides for seventy-four (74) percent of the floodplain trees and seventy-two (72) percent of the riparian buffer trees to be preserved. To properly mitigate for the additional six (6) percent of floodplain preservation and the eight (8) percent of riparian preservation required and thus stay in compliance with the UDC Sec. 35-523 (h) and the Tree Preservation Ordinance, the developer is proposing to pay into the mitigation fund and upsize all required plantings in the upland area to two inch caliper (2"). Additionally, the developer is preserving two hundred ninety inches (290") of small trees on site and is proposing total canopy coverage of sixty percent (60%) which is above and beyond the thirty-eight percent (38%) requirement. The developer has also provided that numerous other small, non-significant trees within the environmentally sensitive be preserved.

The following table represents UDC requirements and the applicable mitigation:

Tree Preservation Table	
Total Tree Preservation Within 100 Year Floodplain	74%
Required Mitigation Inches for 80% Preservation within Floodplain	69.7 inches
Total Tree Preservation Within Riparian Buffer	72%
Required Mitigation Inches for 80% Preservation within Floodplain	46.05 inches
Total Required Mitigation	116 inches
Proposed 2" upsizing of required plantings (64 medium-large trees of diverse species)	32 inches
Proposed payment into the Mitigation Fund (99 Inches @ \$200/inch)	\$19,800
Total Proposed Mitigation (Upsized planted trees and \$200/inch Credit)	131 inches

The following items are addressed as required by the UDC for Variances, UDC Section 35-483(e):

- (1) The hardship requiring this VR is unique to the property. The owner is unable to preserve a minimum of 80% of the existing significant trees in-place due to the required grading within the Environmentally Sensitive Area to make improvements to the existing drainage area. Additionally, the lot size and footprint of the house pad does not allow for additional planted trees on the lots beyond the required two trees per lot.
- (2) This VR 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 ... 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..." To stay within the spirit of the Unified Development Code and respect for the Tree Preservation Ordinance the developer is proposing 131 inches of mitigation (fifteen inches more than the minimum mitigation) by upsizing of all planted trees to 2" caliper and paying \$19,800 into the tree mitigation fund).
- (3) The Owner has sought to minimize any potentially adverse impacts on the public health, safety, and welfare. The existing tree distribution was taken into account during subdivision design in order to minimize impact.
 - If the applicants comply strictly with Unified Development Code UDC Sec. 35-3 (h) and 35-523 (f)(2)A, Table 523-1A they cannot make reasonable use of their property. In order for the Property to be developed, the existing drainage area must be improved and channelized. In order to perform this work, some of the existing trees in the Environmentally Sensitive area and Floodplain must be removed.
 - The hardship in question relates to the owners' land, health, safety, and welfare of others, rather than personal circumstance. This VR is required because of where existing significant trees are located on the property such that they cannot be preserved.
 - The hardship is unique, and is for the greater good of the surrounding communities and properties. This exception relates solely to the Property and does not have an adverse effect on the orderly subdivision of other property in the surrounding area.

- 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 VR and permitting Chad Johannesen, President of Casina Creek Homes, LLC. to remove existing significant trees beyond the allowed 80% preservation threshold 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,

 Chad Johannesen
 President
 Casinos at College Park, LLC

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



City of San Antonio
Development Services Department
1901 S. Alamo
San Antonio, TX 78204

TREE PERMIT APPLICATION

(Protected Trees to be Removed)

MAJOR/MINOR: _____

(Office Use Only)			
Inspector's initials: <u>SD/RS</u>	Date: <u>5/1/19</u>	<input type="checkbox"/> Pass	<input checked="" type="checkbox"/> Fail
Reviewer's initials: _____	Date: _____	<input type="checkbox"/> Approved	Comments: <u>Heritage to issues</u>
RD Review initials: _____	Date: _____	<input type="checkbox"/> Approved	Comments: _____

A/P#: 2496003

Applicant Information

Applicant Name: <u>Chad Johannesen</u>		Company Name: <u>Casina Creek Homes, LLC</u>	
Phone #: <u>(512) 270-9650</u>	Fax #: _____	Email: <u>chad@casinacreekhomes.com</u>	
Address: <u>1251 Lakefield Dr</u>		City: <u>Canyon Lake</u>	State: <u>TX</u> Zip: <u>78133</u>
Owner's information (if different than applicant)			
Name: _____		Phone: _____ Fax: _____	
Address: _____		City: _____ State: _____ Zip: _____	

Project Information

Project Name: <u>Babcock Terrace Subdivision</u>		Unit: _____	Plat: <u>18-900109</u>
Project Address/Location: <u>.4 miles north of intersection of Babcock and UTSA Blvd</u>		Outside City Limits: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Project Type: <input checked="" type="checkbox"/> Residential # <u>32</u> lots	<input type="checkbox"/> Non-Residential # _____	Acres Public Funds: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Class of Work: <input checked="" type="checkbox"/> Tree Removal <input checked="" type="checkbox"/> Site Work <input checked="" type="checkbox"/> Platting <input type="checkbox"/> New Structure <input type="checkbox"/> Geotech <input type="checkbox"/> Addition (≥ 2500 ft ²)			
Parcel Key: (https://gis.sanantonio.gov/PDS/onestop/index.html) <u>274086</u>		(Parcel Key must be included)	

PLAT#: 18-900109

Type of Application and Review

Please note: Applicant shall provide habitat compliance form as defined in section 35-B133 of the UDC for properties with 2.0 or more acres.

If a Tree Permit associated with a rights determination review or a tree preservation plan was previously approved, provide A/P# _____ and no selection of 1 or 2 is required below.

Please mark the appropriate box for review (ONLY MARK ONE BOX):

1. **Site has Rights Determination (RD aka Vested Rights)/Consent Agreement (CA) Validation:**
RD/CA #: _____
(Staff will confirm exemption from the Tree Preservation Ordinance, but a Rights Determination number and aerial photo of project area is required. Applicable R.D. validation review fees apply for residential building tree permit of \$35.00 per lot and \$250.00 for commercial and site work permits. Please note that effective date of rights will determine other applicable fees and may require additional information to be submitted for the final tree review) (requires submittal of site plan for review)

2. **Site has Protected, Significant, Heritage or Historic Trees that will be removed (requires additional site plan and tree inventory submitted).** Tree Preservation Plan must be Tree Survey Method (35-B123) or Tree Stand Delineation Method with a Heritage Tree Survey (35-B125).

2019 MAY 21 AM 3:12
DEVELOPMENT SERVICES RECEIVED

Forms and additional information can be found at:

<http://www.sanantonio.gov/DSD/Constructing/Tree.aspx>

Development Services Department / Revised March 2018