



CITY OF SAN ANTONIO

DEVELOPMENT SERVICES DEPARTMENT

VARIANCE REQUEST ANALYSIS

TPV 20-058

Project:	Stolte Ranch MDP
Address:	Southeast of the Intersection of Elm Forest & Talley Road
A/P #/PPR #/Plat#:	AP#2625657
VR Submittal Date:	October 7 th , 2020
VR Submitted by:	Mr. Jon Robinson with Horizon Design & development on behalf on Jeff Scott with Forestar
Issue:	Below 80% significant tree and 100% heritage tree preservation within 100-Year Floodplain and Environmentally Sensitive Area (2010 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. Jon Robinson's letter dated October 7th, 2020.

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% preservation requirements within both the Environmentally Sensitive Area and 100-year Floodplain in place under the 2010 Tree Preservation Ordinance for construction of Stolte Ranch MDP. DSD staff does agree with the applicant's request to mitigate for the removal of heritage trees below 100% for the following reasons:

1. *Existing site conditions* – The site is a 238.22 acre partially developed ranch with approximately 40% moderate to heavy existing tree cover. Approximately 97.6 acres of regulatory floodplain runs from west to east along the northern portion of the site. The floodplain also runs north to south through the approximate middle of the site, effectively bisecting the development. A significant portion of the site will be raised out of the floodplain in order to connect the east and west portions of the community. A CLOMR has been submitted and is currently under review by the City. As a result of the grading required to remove a portion of the site out of the floodplain, heritage tree removal in the floodplain and floodplain buffer falls below 100% preservation:

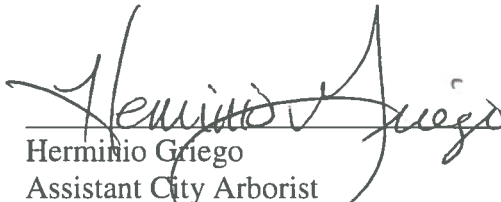
- i. Floodplain heritage trees = 368 caliper inches removed/ 5,403 caliper inches preserved = 93.62% preservation
- ii. Environmentally Sensitive Area (Riparian buffer) heritage trees = 55 caliper inches removed/ 516 caliper inches preserved = 90.37% preservation.

2. *Tree mitigation* – The total heritage tree mitigation required is 1,139 caliper inches. The owner proposes to mitigate by:

1. Preserving 1,898.2 caliper inches of existing significant trees within the floodplain over and above the 80% minimum requirements;
 - a. Total floodplain inches = 12,641"
 - b. Total floodplain inches preserved = 12,011" = 95.02%
2. Preserving 99.0 caliper inches of existing significant trees within the riparian buffer over and above the 80% minimum requirements;
 - a. Total riparian buffer inches = 1,704"
 - b. Total riparian buffer inches preserved = 1,495" = 87.73%
3. Preserving approximately 35-acre treed portion at the southern end of the property (both within and outside the floodplain).
4. The total tree mitigation provided is 1,997.2 caliper inches, or 858.2 caliper inches of excess mitigation over and above the total mitigation required.

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

RECOMMENDATION: Variance Request Approval


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

10/8/2020
Date


Stephen Stokinger, P.E.
Development Services Engineer
DSD – Land Development - Engineering

2020/10/08
Date

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



Melissa Ramirez
Assistant Director
DSD – Land Development

October 8, 2020

Date



October 7, 2020

Variance Request Review

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

Re: Stolte Ranch, A/P #2625657
UDC Sec. 35-523, Tree Preservation, minimum 80% preserved in-place, Flood Plain and Riparian Buffer

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

Dear COSA DSD:

The following Variance request is submitted on behalf of Forestar (the "Owner"), owner of an approximately 238-acre tract of partially-developed land located on Talley Road at Tillman Ridge in Bexar County, Texas (the "Property"). Other than preserving a minimum of 80% of the existing Flood Plain and Riparian Buffer Trees in-place, the proposed construction will comply with the applicable sections of the Unified Development Code (UDC).

Development of the Property entails construction of the following improvements:

1. 650 new single-family residential lots
2. Local roads interior to the proposed community and two (2) entrances onto Talley Road
3. A community amenity center
4. Flood Plain improvements and a new bridge over the existing Flood Plain

The Property is an existing partially-developed ranch with approximately 40% moderate to heavy existing tree cover, with the other 60% of the Property having been cleared and grazed years ago with scattered existing tree cover remaining today. Approximately 97.6 acres of regulatory Flood Plain runs from west to east along the northern portion of the Property and also north to south through the approximate middle of the Property, effectively bisecting the development and requiring a significant portion of the Property to be raised out of the flood plain in conjunction with a CLOMR (currently under review by the City of San Antonio) in order to connect the east and west portions of the new community. Additionally, an approximately 35-acre heavily-treed portion of the southern end of the Property (both within and outside the Flood Plain) will be preserved intact.

As a result of the earthwork required to improve the Flood Plain, install connections to existing offsite sanitary sewer lines, and raise a portion of the Property out of the flood plain in order to connect the east and west portions of the new community, the Heritage Tree removal and preservation ratios for the regulatory Flood Plain and Riparian Buffer are as follows:

1. Flood Plain Heritage Trees: 368 caliper inches removed, 93.62% preservation ratio



2. Riparian Buffer Heritage Trees: 55 caliper inches removed, 90.37% preservation ratio

Thus, the Owner requests a Variance from strict compliance with the UDC due to the fact that the significant earthwork required within and adjacent to the regulatory Flood Plain in order to improve the Flood Plain, install connections to existing offsite sanitary sewer lines, and raise a portion of the Property out of the flood plain in order to connect the east and west portions of the new community results in the removal of 368 caliper inches of Flood Plain Heritage Trees and 55 caliper inches of Riparian Buffer Heritage Trees and Riparian Buffer Trees and a total mitigation due of 1139 caliper inches.

In support of the above Variance allowing development of the Property without preserving 100% of the existing Flood Plain and Riparian Buffer Heritage Trees in-place, the Owner offers the following:

- (1) The hardship requiring this Variance is unique to the property. Due to the significant earthwork required within and adjacent to the regulatory Flood Plain in order to improve the Flood Plain, install connections to existing offsite sanitary sewer lines, and raise a portion of the Property out of the flood plain in order to connect the east and west portions of the new community, the Owner is unable to preserve 100% of the existing Flood Plain and Riparian Buffer Heritage Trees in-place and is required to provide 1139 caliper inches of mitigation.
- (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 significant earthwork required within and adjacent to the regulatory Flood Plain in order to improve the Flood Plain, install connections to existing offsite sanitary sewer lines, and raise a portion of the Property out of the flood plain in order to connect the east and west portions of the new community, the Owner is unable to preserve a minimum 100% of the existing Flood Plain and Riparian Buffer Heritage Trees in-place. As a result of this removal of existing Heritage Trees within the Flood Plain and Riparian Buffer, tree mitigation in the amount of 1139 caliper inches is required for removal of existing Heritage Trees within the regulatory flood plan and the Riparian Buffer. However, the Owner will mitigate this shortfall over and above the stipulated minimum in the following manner:
 - A. Preserving 1898.2 caliper inches of existing Significant Trees within the flood plain over and above the minimum 80% required by the UDC
 - B. Preserving 99.0 caliper inches of existing Significant Trees within the Riparian Buffer over and above the minimum 80% required by the UDC

The above-described measures result in a total of 1997.2 caliper inches of tree mitigation provided, or 858.2 caliper inches of excess mitigation over and above the total mitigation required for the proposed removal of existing Heritage Trees within the Flood Plain and adjacent Riparian Buffer.

- (3) The Owner has sought to minimize any potentially adverse impacts on the public health, safety, and welfare. By providing 858.2 caliper inches of mitigation 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 Owner must undertake significant earthwork within and adjacent to the regulatory Flood



Plain in order to improve the Flood Plain, install connections to existing offsite sanitary sewer lines, and raise a portion of the Property out of the flood plain in order to connect the east and west portions of the new community, the Owner is unable to preserve 100% of the existing Flood Plain and Riparian Buffer Heritage Trees in-place. If the Owner is unable to undertake the earthwork within the regulatory Flood Plain and adjacent Riparian Buffer, 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 the existing flood plain the bisects the Property must be improved and bridged in order to install connections to existing offsite sanitary sewer lines and raise a portion of the Property out of the flood plain in order to connect the east and west portions of the new community. In order to construct these necessary improvements, the Owner must undertake significant earthwork within and adjacent to the regulatory Flood Plain, resulting in less than 100% preservation of the existing Heritage Trees located within the Flood Plain and adjacent 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 flood plain that bisects the Property was present before the Owner acquired the Property.

In conclusion, granting this Variance and permitting the Owner to preserve less than 100% of the existing Heritage Trees located within the Flood Plain and adjacent Riparian Buffer in order to install connections to existing offsite sanitary sewer lines and raise a portion of the Property out of the flood plain in order to connect the east and west portions of the new community 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:					
<input type="checkbox"/> APPROVED		<input type="checkbox"/> APPROVED W/ COMMENTS		<input type="checkbox"/> DENIED	
Signature: _____				Date: _____	
Printed Name: _____		Title: _____			
Comments: _____					

TPV 20-058
PPR 10462



CITY OF SAN ANTONIO

DEVELOPMENT SERVICES DEPARTMENT

1901 S. Alamo, San Antonio, TX 78204

ADMINISTRATIVE EXCEPTION/VARIANCE REQUEST APPLICATION

Project Name:	Stolte Ranch
A/P # /PPR # /Plat #	2625657
Date:	September 11, 2020
Code Issue:	Heritage Tree Removal within the Riparian Buffer and Flood Plain
Code Sections:	Sec. 35-523 (h), Riparian Buffer and Flood Plain Mitigation

Submitted By:	<input type="checkbox"/> Owner	<input checked="" type="checkbox"/> Owners Agent * (Requires notarized Letter of Agent)
Owners Name:	Jeff Scott	
Company:	Forestar	
Address:	10700 Pecan Park Blvd., Suite 150, Austin TX 78750	
Tel #:	512-736-5942	E-Mail: jeffscott@forestar.com
Consultant:	Jon Robinson	
Company:	Horizon Design and Development, Inc.	
Address:	14607 San Pedro Ave., Suite 200, San Antonio, TX	Zip Code: 78232
Tel #:	(210) 831-8564	Fax# N/A
E-Mail:	jrobinson@horizondesign-sa.com	
Signature:		

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