



CITY OF SAN ANTONIO

DEVELOPMENT SERVICES DEPARTMENT

VARIANCE REQUEST ANALYSIS

Project:	Tribute Ranch Subdivision
Address:	Northeast of Dove Ranch and Fox Hunt Way
A/P #/PPR #/Plat#:	AP# 2191467
VR Submittal Date:	October 17, 2016
VR Submitted by:	Mr. David Cupit, P.E. of M.W. Cude Engineers on behalf of Brian Otto, Meritage Homes of Texas
Issue:	Below 80% significant tree and 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. David Cupit's letter dated October 17, 2016.

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 trees in excess of the 80% significant tree and 100% heritage tree minimum preservation requirements of protected trees in place under the 2015 Tree Preservation Ordinance for construction of Tribute Ranch Subdivision. DSD staff does agree with the applicant's request to mitigate for significant below 80% and heritage 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 80% of significant trees and 100% of heritage trees within the Environmentally Sensitive Area (ESA). A significant amount of the site is located within the FEMA 1% annual chance floodplain. The ESA located onsite is a 30' riparian buffer parallel to the current floodplain limits. In an effort to increase tree preservation, the engineers re-designed the site multiple times, but were not able to provide a plan that could meet the current tree preservation requirements.
2. *Tree mitigation and canopy diversity* - The project will meet the required Environmentally Sensitive Area mitigation requirement of 255 inches by planting an additional 206 trees at 2" caliper trees for a total of 412". Out of 206 additional trees planted, 186 trees will be planted on the south or west side of the building to receive the

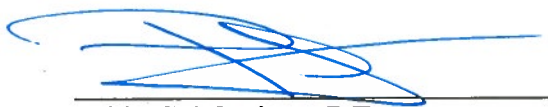
energy conservation credit. The proposed planting plan provides added species diversity to include large and medium tree species native trees per Appendix E "San Antonio Recommended Plant List." Recommended trees proposed to be planted for mitigation include: Live Oak, Cedar Elm, Shumard Red Oak, Texas Sycamore and Monterrey Oak.

DSD staff supports the applicant's request to fall below 80% of the 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

10.18.16
Date


Pablo G. Martinez, P.E.
Development Services Engineer
DSD – Land Development - Engineering

10/18/16
Date

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


Melissa Ramirez
Interim Assistant Director
DSD – Land Development

Oct. 19, 16
Date



October 17, 2016

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

Re: Tribute Ranch Subdivision
UDC Section 35-523(f)(2)(A) – 2010 Tree Ordinance Survey Standards

Dear City of San Antonio – Development Services Department,

This Variance Request letter is being submitted in reference to the Tribute Ranch Subdivision concerning tree preservation with Environmentally Sensitive Areas (ESA) as defined in Table 523-1A of the City of San Antonio Unified Development Code. This project is located along FM 1560 southwest of the Galm Road and FM 1560 intersection within City of San Antonio ETJ limits. This project is located outside of the recharge zone.

The applicant wishes to request consideration for a variance to waive the minimum preservation percentage of 80% within the ESA and 35% of significant canopy outside of the ESA and floodplain as required in table 523-1A of the Unified Development Code of the City of San Antonio. All other requirements as outlined in this section will be met in accordance with the requirements of the Unified Development Code of the City of San Antonio.

The following information is provided concerning the hardship and uniqueness of the subject property and confirmation that granting this variance will not be to the detriment of the public's health, safety and welfare and will not be harmful to the subject property or the adjacent properties:

A significant amount of the site is located within the FEMA 1% annual chance floodplain. A Conditional Letter of Map Revision (CLOMR) has been submitted for this project to improve and change the floodplain limits for Culebra Creek Tributary C. The ESA located onsite is a 30' riparian buffer parallel to the current floodplain limits.

The floodplain onsite contains a large amount of trees. The floodplain in the northern portion of the development is clear of any trees with tree density increasing as the creek flows to the southeast towards FM 1560. The goal of the CLOMR was to 1) reduce the floodplain limits onsite, 2) limit the amount of work in the actual floodplain and 3) do as much work in the floodplain to the north as possible limiting tree disturbance. We determined the best way to limit the disturbance was to fill the site and excavate the floodplain in area without tree coverage. The result of this plan was a significant amount of fill being placed in the current ESA limits, limiting the ability to meet the 80% tree preservation in this area. The future ESA limits will be located closer to the creek centerline once the Letter of Map Revision (LOMR) is finalized. The site also had to be raised outside of the ESA to promote positive drainage towards the creek.

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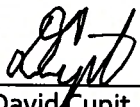
Cude Engineers graded the site multiple times in an effort to increase tree preservation for this development and we submitted the plan that preserved the most trees from each of our drainage and grading designs. However, given the floodplain restraints on the site, we were not able to produce a plan that met the preservation requirements of the 2010 tree ordinance. The results of our plan included mitigation for trees within the ESA as well as significant and heritage trees outside of the floodplain and ESA. Greater than 80% of trees were preserved in the floodplain and mitigation is not needed for that area. Based on our analysis, the required heritage and significant tree mitigation for the development was 1,189 inches.

The developer proposes to plant 4 – 2" trees per lot (93 total lots) in an effort to reduce the payment into the mitigation fund. The developer also plans to plant trees within open space areas as much as feasible. The total amount of 2" trees to be planted for the site is 392 trees and 38% final canopy site requirements will be met. Through this additional tree planting, the developer reduces the mitigation from 1,189 inches to 684 inches, which will be paid to the mitigation fund.

- *The hardship relates to the applicant's land, rather than personal circumstances: This hardship is related to the amount of 100 year floodplain located on the site.*
- *The hardship is unique, or nearly so, rather than one shared by many surrounding properties: The developer's property currently does not have unflooded access to the site.*
- *The Variance submitted will not be detrimental to the public health, safety or welfare or injurious to other property in the area. Furthermore, the granting of this Variance will not adversely affect the orderly subdivision of other land in this area.*

In my professional opinion, this variance request recognizes and conforms to the spirit and intention of the Unified Development Code as it pertains to areas with floodplain improvements. Please review this request and contact me by phone at (210) 681-2951 or by email at dcupit@cudeengineers.com if you have any questions or require any additional information.

Sincerely,

A handwritten signature in black ink, appearing to read "David Cupit".

David Cupit, P.E.
Project Manager
M.W. Cude Engineers, LLC (TBPE Firm #455)
LLC

A handwritten signature in blue ink, appearing to read "Brian Otto".

Brian Otto
Vice President of Land Development
Meritage Homes of Texas,

Attachments:

1. Proposed Master Development Plan
2. Subdivision Tree Plan

For Office Use Only:		AEVR #:	<u>TPV-17-001</u>	Date Received:	<u>10.17.16</u>
DSD – Director Official Action:					
<input checked="" type="checkbox"/>	APPROVED	<input type="checkbox"/>	APPROVED W/ COMMENTS	<input type="checkbox"/>	DENIED
Signature:		<u>Herminio Griego</u>		Date:	<u>10.19.16</u>
Printed Name:		<u>Herminio Griego</u>		Title:	<u>Assistant City Arborist</u>
Comments:					

TPV-17-001 File # 16-548



CITY OF SAN ANTONIO

DEVELOPMENT SERVICES DEPARTMENT

1901 S. Alamo, San Antonio, TX 78204

ADMINISTRATIVE EXCEPTION/VARIANCE REQUEST APPLICATION

Project Name:	Tribute Ranch Subdivision
A/P # /PPR # /Plat #	AP#2191467 / Plat 160524
Date:	October 6, 2016
Code Issue:	Tree Preservation Requirements
Code Sections:	35-523(f)(2)(A)

Submitted By:	<input checked="" type="checkbox"/> Owner	<input type="checkbox"/> Owners Agent * (Requires notarized Letter of Agent)
Owners Name:	Brian Otto	
Company:	Meritage Homes of Texas, LLC	
Address:	3010 N. Loop 1604 W, Suite 214	Zip Code: 78231
Tel #: 210-402-6045	Fax#	E-Mail: brian.otto@meritagehomes.com
Consultant:	W. Patrick Murphy, P.E.	
Company:	M.W. Cude Engineers, LLC	
Address:	4122 Pond Hill Rd, Suite 101	Zip Code: 78231
Tel #: 210-681-2951	Fax#	E-Mail: wmurphy@cudeengineers.com
Signature:		

Additional Information – Subdivision Plat Variances & Time Extensions			
1.	<input type="checkbox"/> Time Extension	<input type="checkbox"/> Sidewalk	<input type="checkbox"/> Floodplain Permit
	<input checked="" type="checkbox"/> Other	Tree Preservation	
2.	City Council District	N/A	Ferguson Map Grid
			545-F7
			Zoning District
			N/A
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



City of San Antonio
Development Services Department
Land Entitlements Section

VARIANCE/ TIME EXTENSION APPLICATION

16 OCT -6 PM 3:27

Date Submitted: _____ Project ID Number: _____

Project Name: Tribute Ranch Subdivision

Owner/Agent: Meritage Homes of Texas, LLC Phone: 402-6045 Fax: _____

Address: 3010 N. Loop 1604 W, Suite 214 Zip Code: 78231

Consultant: M.W. Cude Engineers, LLC Phone: 681-2951 Fax: 523-7112

Address: 4122 Pond Hill Road, Suite 101 Zip Code: 78231

Email Address: wmurphy@cudeengineers.com

BACKGROUND:

- ☐ Time Extension ☐ Sidewalk ☐ Floodplain Permit ☒ Other: Tree Preservation
- City Council District N/A Ferguson Map Grid 545-F7 Zoning District N/A
- San Antonio City Limits - ☐ Yes ☒ No
- Edwards Aquifer Recharge Zone? ☐ Yes ☒ No
- Previous/existing landfill? ☐ Yes ☒ No
- Parkland, greenbelts, or open space? Flood plain? ☒ Yes ☐ No

VARIANCE APPROVAL CRITERIA:

As per the UDC, the variance request letter must address the following criteria prior to submission.

- If the applicant complies strictly with the provisions of these regulations, he/she can make no reasonable use of his/her property; and
- The hardship relates to the applicant's land, rather than personal circumstance; and
- The hardship is unique, or nearly so, rather than one shared by many surrounding properties; 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.

FEES (please refer to the current fee schedule)

Variance Request \$ 350.00 OR Time Extension \$ _____

Print Name: Brian Otto Signature: _____

Date: 10/06/2016 ☒ Owner ☐ Agent (Checking this requires a notarized Letter of Agent.)

*NOTE: Please attach this application with your submittal to the reviewing agencies. In addition, if the letter does not address the above mention criteria your variance may be subject to disapproval. If the variance is being made in regards to a Certificate of Determination request, the Director of Development Services shall make a determination within 20 days after the date it receives the request before placing it on the Planning Commission agenda under subsection 35-430(d) of the UDC and shall issue the Certificate, if appropriate, within 10 days after the date of Planning Commission approval. Additional fees may apply, please see fee schedule.