



May 10, 2017

2017 MAY 15 PM 3: 04

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(h) – 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), 100 year floodplain areas and minimum tree preservation (outside of ESA and floodplain areas) as defined in UDC Section 35-523(h) and shown 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 100 year floodplain as required in 2010 Tree Ordinance 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 and floodplain as well as significant and heritage trees outside of those areas.

In October 2016, a tree preservation plan was approved prior to the start of construction in the subdivision. At that time, a variance was approved by the Planning Commission for less than 80% preservation within the ESA. That tree plan showed 1,189" of mitigation required (0" in floodplain areas, 255" in the ESA, 438" of significant trees and 414" of heritage trees outside the ESA and floodplain). Per the 2010 ordinance, Meritage Homes is required to plant 2 – 1.5" trees per lot on that plan. Meritage Homes is going to upsize the required trees from 1.5" to 2". In addition to the two required trees per lot, Meritage Homes also proposes to plant an additional 2 – 2" trees per lot (93 total lots) in an effort to reduce the payment into the mitigation tree fund. Meritage Homes has also committed to planting an additional 20 – 2" trees throughout open spaces in the community. All of the additional tree planting above the minimum planting required help offset the required mitigation for falling below 80% in the ESA, 35% significant trees and 100% heritage tree preservation. The result is 505" of additional mitigation provided through tree upsizing and additional planting. The remaining mitigation of 684" was paid for using tree credits by Meritage Homes on October 31, 2017.

During the construction of the project, the site contractor did not follow the approved tree plan and removed trees shown as preserved. Locations of removed trees varied throughout the subdivision, but most were located within the 100 year floodplain. After the mistake was made, the contractor made an effort to preserve trees shown as removed and were successful. Based on our site visit and tree inventory notes, the tree plan was revised for the current site conditions. Based on our analysis, the required tree mitigation increased from 1,189" to 1,589" (510" in floodplain, 235" in ESA, 430" of significant trees and 414" of heritage trees outside the ESA and floodplain). The tree plan shows 67.09% preservation within the floodplain (80% required); 37.08% preservation within the ESA (80% required); 15.22% preservation of significant trees outside the floodplain and ESA (35% required), and 12.12% of heritage tree preservation outside the floodplain and ESA (100% required). An additional 87" of mitigation was paid into the tree fund using tree credits in April 2017. Meritage Homes is requesting the additional 313" of mitigation be provided by using tree credits.

- *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.

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Sincerely,



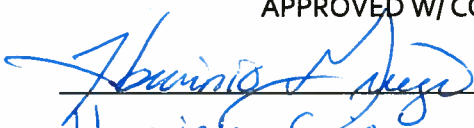
David Cupit, P.E.
Project Manager
M.W. Cude Engineers, LLC (TBPE Firm #455)
LLC



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

Attachments:

1. Previously Approved Tree Plans
2. Revised Subdivision Tree Plan

For Office Use Only:		AEVR #: <u>TV-17-012</u>	Date Received: <u>5/15/17</u>
DSD - Director Official Action:			
<input checked="" type="checkbox"/> APPROVED	<input type="checkbox"/> APPROVED W/ COMMENTS	<input type="checkbox"/> DENIED	
Signature: 	Date: <u>5/17/17</u>		
Printed Name: <u>Herminda Griego</u>	Title: <u>Assistant City Architect</u>		
Comments:			

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