



CITY OF SAN ANTONIO

DEVELOPMENT SERVICES DEPARTMENT

1901 S. Alamo, San Antonio, TX 78204

ADMINISTRATIVE EXCEPTION/VARIANCE REQUEST APPLICATION

Project Name:	Crsecent Hills Unit 1
A/P # /PPR # /Plat #	AP# 2663409/ Plat#20-11800290
Date:	12/29/2020
Code Issue:	San Antonio Unified Development Code
Code Sections:	35-523 (h), Table 523-1A Minimum Tree Preservation Requirements

Submitted By:	<input checked="" type="checkbox"/> Owner	<input type="checkbox"/> Owners Agent * (Requires notarized Letter of Agent)
Owners Name: Richard Mott, P.E.		
Company: Lennar Homes of Texas Land and Construction LTD.		
Address: 1922 Dry Creek Way, Suite 101, San Antonio, TX		Zip Code: 78259
Tel # (210) 403-6282 Fax#		E-Mail: richard.mott@lennar.com
Consultant: Travis Elseth, P.E.		
Company: KFW Engineers & Surveying		
Address: 3421 Paesanos Parkway, Suite 200 San Antonio TX		Zip Code: 78231
Tel #: (210) 979-8444 Fax#		E-Mail: telseth@kfwengineers.com
Signature: <i>Richard Mott</i> <small>DocuSigned by:</small>		

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Additional Information – Subdivision Plat Variances & Time Extensions

- ☐ Time Extension ☐ Sidewalk ☐ Floodplain Permit ☐ Completeness Appeal
☐ Other _____
- City Council District _____ Ferguson Map Grid _____ Zoning District _____
- San Antonio City Limits ☐ Yes ☐ No
- Edwards Aquifer Recharge Zone? ☐ Yes ☐ No
- Previous/existing landfill? ☐ Yes ☐ No
- Parkland Greenbelts or open space? Floodplain? ☐ Yes ☐ No

○ *In addition, the following items must be addressed as required by the UDC for Variances UDC Section 35-483(e), and must be placed as bullet points in the request letter:*

- *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 circumstances; 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 exception/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.*
- *Conclusion: Provide a summary statement such as "In my/our professional opinion, the proposed administrative exception / variance remains in harmony with the spirit and intent of the UDC as it will not adversely affect the health, safety, or welfare of the public".*

Sincerely,

Signature and Title Block of Applicant

Signature of Owner (if applicable)

Attachment(s)

For Office Use Only: AEVR #: _____

Date Received: _____

DSD – Director Official Action:

☐ APPROVED

☐ APPROVED W/ COMMENTS

☐ DENIED

Signature: _____

Date: _____

Printed Name: _____

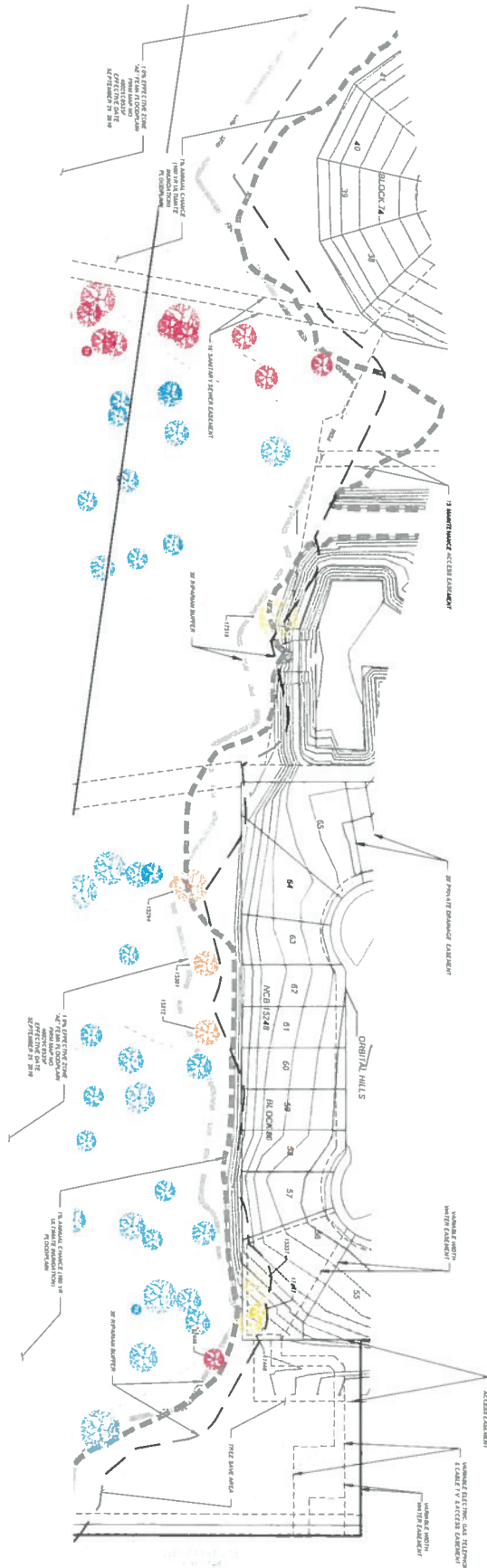
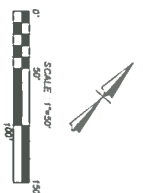
Title: _____

Comments: _____



NEIGHBORHOOD INFORMATION	
NEIGHBORHOOD NAME	CRESCENT HILLS
NEIGHBORHOOD TYPE	RESIDENTIAL
NEIGHBORHOOD SIZE	1,200 ACRES
NEIGHBORHOOD DENSITY	100 UNITS PER ACRE
NEIGHBORHOOD CHARACTER	TRADITIONAL, SINGLE-FAMILY, 1.5-2.0 ACRES PER LOT
NEIGHBORHOOD HISTORY	ESTABLISHED IN THE 1950s
NEIGHBORHOOD FUTURE	NO MAJOR CHANGES EXPECTED

- LEGEND**
- REMOVED - FEMA
 - PRESERVED - FEMA
 - REMOVED - RIPARIAN BUFFER
 - PRESERVED - RIPARIAN BUFFER
 - PROPOSED 3" CALIBER STREETSCAPE TREES
 - PROPOSED 3" CALIBER AMENITY CENTER TREES
 - PROPOSED 100' WIDE FLOODPLAIN
 - PROPOSED 100' WIDE RIPARIAN BUFFER



CRESCENT HILLS UNIT 1
 SAN ANTONIO, TEXAS
TREE VARIANCE EXHIBIT

PLAT NO.
 20-1180020
 SHEET NUMBER
 EX

KFW
 ENGINEERS + SURVEYING
 10017 Friesen Rd., Suite 100, San Antonio, TX 78217
 Phone: (210) 878-0444 • Fax: (210) 878-0444
 TOLL FREE: 1-800-878-0444 • Website: www.kfw.com



CITY OF SAN ANTONIO

DEVELOPMENT SERVICES DEPARTMENT

VARIANCE REQUEST ANALYSIS

TPV 21-024

Project:	Crescent Hills Subdivision Unit 1
Address:	Located Southwest of the Intersection of Loop 410 and Old Pearsall Rd
A/P #/PPR #/Plat#:	A/P #2663409
VR Submittal Date:	January 5, 2021
VR Submitted by:	Mr. Travis Elseth, P.E., on behalf of Mr. Richard Mott, P.E., Lennar Homes of Texas & Construction LTD
Issue:	Below 80% significant tree and 100% heritage tree preservation within 100-year Floodplain and Environmentally Sensitive Areas (2010 Ordinance)
Code Sections:	Unified Development Code (UDC), Section 35-523 (h).
By:	Eric Rodriguez, Senior Plans Examiner

The Development Services Department (DSD) has reviewed the information presented in Mr. Travis Elseth's letter dated January 5, 2021.

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 areas 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 Riparian Buffer in excess of the 80% minimum preservation of protected significant trees in place under the 2010 Tree Preservation Ordinance for development of the Crescent Hills Unit 1 Subdivision. DSD staff does agree with the applicant's request to mitigate for below 80% significant tree preservation through planting for the following reasons:

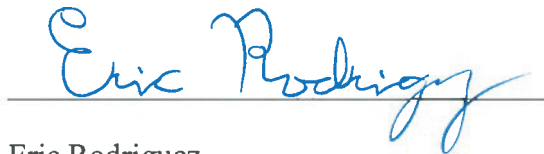
1. *Existing site conditions* – Due to existing site conditions and the need to comply with the Atlas 14 floodplain delineation and UDC guidelines, excess embankment will be necessary to achieve both proper drainage within each lot and proper detention on the overall site. The extreme mass grading required for the ultimate development of the site has made it a challenge to preserve some of the very few trees that are located within the 30-foot Riparian Buffer (Environmentally Sensitive Areas or ESA). The applicant used the tree survey method which determined that the predominant tree species found within the Riparian Buffer is Mesquite. The minimum diameter of a protected Mesquite tree is 10" and the average diameter found was 14.5". There were 6 Mesquite trees and 1 Elm tree surveyed within the ESA which total 95.5 inches. Four trees will be removed resulting in 42% preservation, and to mitigate back up to 80%, a total of 36.4 inches in mitigation is required.

In summary, the proposed project will result in 91% tree preservation in the floodplain and 42% preservation in the Riparian Buffer. Within the FEMA floodplain, no reclamation will occur for this project; therefore, tree preservation will exceed the minimally required 80% in the floodplain portion resulting in an excess of 774 inches.

2. *Tree mitigation and canopy diversity* – The project will meet the ESA/Riparian Buffer mitigation requirement of 36.4 inches by up-sizing required streetscape trees and providing a final canopy cover of 39.92%.
 - a. 43 streetscape trees upsized from 1.5" to 3.0" = 64.5 inches available for mitigation
 - b. A total of 28.1 additional inches of mitigation beyond minimum requirements will be provided
 - c. Exceed final tree canopy requirement by 0.89 acres = 39.92% (required final canopy = 38%)

DSD staff supports the applicant's request to fall below 80% Significant Tree requirements in the ESA based on the conditions of the site, required grading, 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.

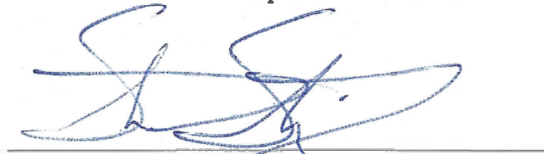
RECOMMENDATION: Approval of Variance Request



Eric Rodriguez
Senior Tree Plans Examiner
DSD – Land Development – Tree Preservation

1 / 15 / 2021

Date



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

2021/01/19

Date

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



Melissa Ramirez
Assistant Director
DSD – Land Development

01/19/2021

Date

January 5, 2021

Variance Request Review
Development Services Department
City of San Antonio
1901 S. Alamo
San Antonio, Texas 78204



Re: Crescent Hills Subdivision Unit 1, AP# 2663409
UDC Sec. 35-523 (h), Table 523-1A Minimum Tree Preservation Requirements

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

Dear COSA DSD;

The following variance is submitted on behalf of Richard Mott, P.E., Lennar Homes of Texas & Construction LTD. (Lennar), Vice President of Land Development and representative to the owner of an existing tract of land to be developed as Single Family Residential located southwest of the intersection of SW Loop 410 and Old Pearsall Rd located in San Antonio, Texas (the "Property"). The land requiring the variance is an 84.33 acre site described in MDP#20-11100022.

The purpose of this letter is to request a variance to the Unified Development Code 35-523 (h) which states "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."

At existing conditions, the project site is moderately wooded with a canopy cover greater than or equal to 70%. The topography ranges from 0%-10% and is located adjacent to the Federal Emergency Management Act (FEMA) floodplain. **Exhibit 1.**

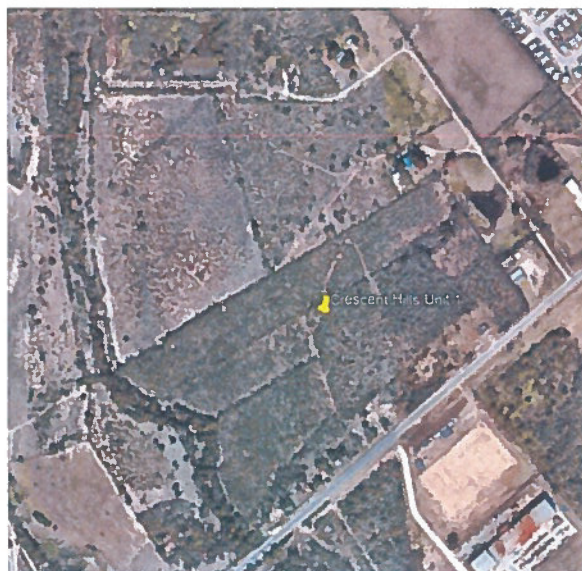


Exhibit 1

Due to Atlas 14 floodplain delineation, the proposed site had to be embanked to properly detain runoff and meet UDC regulations. However, this also made it unable to preserve some existing trees. Extreme topography and the existing features of the site including a pond and a stream running through the site, excess excavation and embankment is necessary for the improvement of the existing channel and for this development. The mass grading of the proposed site is problematic because it results in the inability to preserve some of the very few trees that are located in the 30' Riparian Buffer.

No reclamation of the FEMA floodplain will occur for this project; therefore, more than the minimum requirement of floodplain trees are preserved. However, the **80% preservation could not be attained within the 30' Riparian Buffer/Environmentally Sensitive Area**. There have been many attempts to revise the proposed site configuration and grading plan to preserve additional significant species trees in the environmentally sensitive area. However, with numerous alterations to the site none effectively stay in compliance and demonstrate the intent of the Unified Development Code. **Reference Tree Preservation Table.**

Tree Preservation Table		
	Preservation Percentage	Mitigation Required
Floodplain Preservation	91%	0 inches
30' Riparian Buffer Preservation	42%	36.4 inches

To properly mitigate for this removal of excess riparian buffer trees, and thus stay in compliance with the Unified Development Code 35-523 (h) and Tree Preservation Ordinance, the developer is proposing to do the following depicted in the table below:

Tree Mitigation Table	
Description	Inches of Mitigation Planted
Upsize streetscape trees to 3" caliper trees (1.5 inches/tree * 43 trees)	64.5 inches
Streetscape inches to count towards the 30' Riparian Buffer Mitigation	36.4 inches

Additionally, the developer will be preserving 91% of the total floodplain trees, consequently saving 778 additional inches above the 80% minimum preservation requirements for trees located in the floodplain trees.

The goal of this variance is to properly mitigate for tree removal within Crescent Hills Unit 1, and ultimately increase the canopy within the site (**Reference Tree Preservation Plan AP#2663409**). The developer is proposing to plant a total of 64.5 inches for mitigation within the Streetscape Trees, 36.4 of which will be counted towards Riparian Buffer mitigation. The proposed tree plantings are intended to bring Riparian Buffer Trees up to 80% preservation in Crescent Hills Unit 1, demonstrating the intent of the Unified Development Code.

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

- (1) The hardship requiring this variance is unique to the Property. The reason the owner is unable to preserve 80% of trees in the 30' Riparian Buffer is due to the limited number

of trees located in this environmentally sensitive area and due to the grading requirements necessary to provide proper drainage for the future residents.

- (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...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 owner has analyzed multiple lot configurations.
- (3) The Owner has sought to minimize any potentially adverse impacts on the public health, safety, and welfare. The purpose of the proposed plantings is intended to mitigate Crescent Hills Unit 1 back to 80% of trees located in the 30' Riparian Buffer as of existing tree conditions within the property outside of the floodplain.
 - If the applicants comply strictly with UDC Sec. 35-3 (f), they cannot make reasonable use of their property. In order for the Property to be developed for Ultimate Development, excess embankment is necessary to achieve both proper drainage within each platted lot and proper detention within the site. To comply with the Atlas 14 floodplain delineation and UDC guidelines, KFW Engineers must practice embankment throughout the site. Therefore, in order for the owner to make reasonable use of his property, the existing tree removal is required.
 - The hardship in question relates to the owners' land, rather than personal circumstance. This variance is required because of where existing significant trees are located on the property such that they cannot be preserved.
 - The granting of the exception will not be injurious to other property and not prevent the orderly subdivision of other property in the area in accordance with these regulations. 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 current owner acquiring the land. The owner is not modifying the floodplain portion of the site, but as the Atlas 14 floodplain was established, extreme grading practices became necessary for the Ultimate Development of the site.

In conclusion, granting this variance and permitting Richard Mott, P.E., Vice President of Land Development of Lennar Homes of Texas Land and Construction, LTD. to remove the existing significant trees located in the 30' Riparian Buffer (**Reference Tree Preservation Plan AP#2663409**) on the property 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,



Gabo Andonie, P.E.
Project Manager
Agent for the Owner

For Office Use Only: AEVR #: _____ Date Received: _____

DSD – Director Official Action:

☐ APPROVED

☐ APPROVED W/ COMMENTS

☐ DENIED

Signature: _____

Date: _____

Printed Name: _____

Title: _____

Comments: _____

