

June 02, 2021

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



Re: Crescent Hills Subdivision Unit 2&3, AP#21-38800378
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 Environmental 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 89.08 acre site described in MDP#20-11100022.

The purpose of this letter is to request an environmental 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 50%. The topography ranges from 0%-10% and is located adjacent to the Federal Emergency Management Act (FEMA) floodplain. **Exhibit 1.**

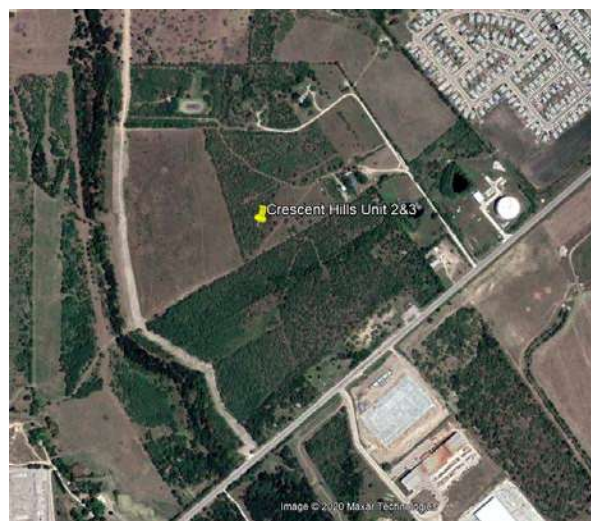


Exhibit 1

Due to Atlas 14 floodplain delineation, the proposed site has to be embanked to properly detain runoff and meet UDC regulations. However, this also made it unable to preserve some existing trees. Excess excavation and embankment are necessary to mitigate runoff by using the two proposed detention ponds on the property. Similarly lots bordering the 100 floodplain needed to be embanked above the Atlas 14 inundation boundary. The mass grading of the proposed site is problematic because it results in the inability to preserve the few trees that are located within 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 **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
30' Riparian Buffer Preservation	62%	9.6 inches
Total		9.6 inches

**UDC requirements covered with concurrent Administrative Exception application. This table summarizes the total necessary preservation for this Environmental Variance.*

To properly mitigate for this removal of excess Riparian Buffer trees (described in this environmental variance), 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		
Mitigation Method	Number of Lots/Trees Planted	Inches of Mitigation Planted
Circle Lots: (0.5 inches/ tree * 2 tree/ lot = 1 inches/ lot)	75 lots	75 inches
Square Lots: (0.5 inches/ tree * 2 tree/ lot = 1 inches/ lot)	87 lots	87 inches
Total Inches Planted		162 inches
Mitigation Required		9.6 inches
Excess Mitigation		152.4 inches

The primary goal of this environmental variance is to properly mitigate for the 9.6 inches of tree removal within the Crescent Hills Units 2/3 riparian buffer. The developer is proposing to plant a total of 162 inches to mitigate the removed trees. An excess of 152.4 inches will be provided with this mitigation.

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. The reason the owner is unable to preserve a minimum of 20% of the existing significant and heritage trees in the platted lots is due to the grading requirements of the site which are necessary to provide proper drainage of the future subdivision 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 2 & 3 back to 35% of Significant Trees, back to 100% of Heritage Trees, and 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#21-38800378**) 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,

DocuSigned by:

Richard Mott

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Richard Mott

Vice President of Land Development

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

DSD – Director Official Action:



APPROVED



APPROVED W/ COMMENTS



DENIED

Signature: _____

Date: _____

Printed Name: _____

Title: _____

Comments: _____

