

June 4, 2021

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



Re: Elm Trails Subdivision, AP# 20-38800016  
UDC Sec. 35-523 (h), Table 523-1A Minimum Tree Preservation Requirements

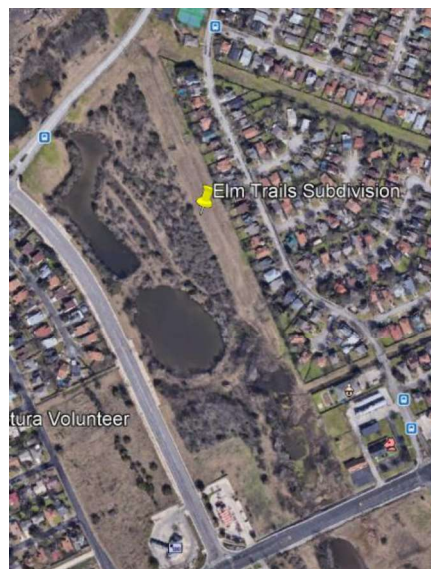
- ☐ Administrative Exception
- ☒ Environmental Variance
- ☐ Subdivision Platting Variance – Time Extension

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 north of the intersection of Elm Trail and Walzem Rd located in San Antonio, Texas (the "Property"). The land requiring the variance is a 6.4 acre site described in Plat# 20-11800502.

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 30%. 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 drain runoff and meet UDC regulations for residential lots. However, this also made it unable to preserve the only three trees located in the 30' Riparian Buffer within the site. These trees are clustered together and range from 11.5" to 14" and are all Mesquite trees. Extreme topography and the existing Atlas 14 floodplain water surface elevation are the causes for the necessary embankment to the site.

The mass grading of the proposed site is problematic because **80% preservation could not be attained within the 30' Riparian Buffer/Environmentally Sensitive Area**, thus requiring this environmental variance. There have been hattempts 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	0%	29.2 inches
<b>Total</b>		29.2 inches

*A concurrent administrative exception will be submitted for the trees outside of environmentally sensitive areas.*

To properly mitigate for this removal of 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:

Tree Mitigation Table		
Mitigation Method	Number of Lots	Inches of Mitigation Planted
Upsize the two required trees per lot to 2" caliper trees (1"/ Lot)	48 lots	48 inches
<b>Inches of Mitigation Required</b>		29.2 inches
<b>Excess Inches Planted</b>		18.8 inches

The goal of this variance is to properly mitigate for tree removal within Elm Trails Subdivision, and ultimately increase the canopy within the site (**Reference Tree Preservation Plan AP#20-38800016**). The developer is proposing to upsize the two required trees per lot to 2 ~ inch caliper trees, which means the developer will be planting an excess of 18.8 inches over the mitigation requirements. The proposed tree plantings are intended to bring Riparian Buffer Trees up to 80% and go above mitigation requirements in Elm Trails Subdivision, demonstrating the intent of the Unified Development Code.

The developer is proposing to plant two trees per lot (one large & one medium tree), taking energy conservation credits into account on lots where applicable, as specified in UDC section 35-523 (i)(8). The subdivision as a whole will generate 215,696 SQ FT worth of canopy credits. This is more than enough to satisfy the 94,185 SQ FT requirement. No Heritage trees were located within the site.

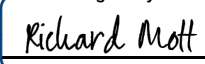
The following items are addressed as required by the UDC for Variances, UDC Section 35-483(e):

- (1) The hardship requiring this variance is unique to the Property. The reason the owner is unable to preserve a minimum of 80% of the existing trees in-place in the buffer is due to the limited number of trees located in the buffer, and also 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 80% of trees located in the 30' Riparian Buffer as of existing tree conditions within the property. The owner will be planting more than the necessary preservation percentages for both categories.

The existing trees within the buffer are being removed to install a retaining wall of varying height, as demonstrated on tree preservation plan AP#20-38800016. The retaining wall is necessary to ensure the lots are out of the fully-developed conditions floodplain which accounts for Atlas 14 rainfall intensities, per City of San Antonio design standards. All effective FEMA floodplains will eventually be remapped to consider Atlas 14 rainfall intensities and all proposed construction must take these intensities into account to ensure safety of residents. The proposed retaining walls will be constructed to a height that grants a minimum of 1' of freeboard between proposed finished floor elevation and adjacent water surface elevations, abiding by Bexar County and COSA storm water regulations, and ensuring newly constructed homes are protected from potential flooding hazards within the 100-year storm event.

Development of Lennar Homes of Texas Land and Construction, LTD. to remove the existing trees located in the 30' Riparian Buffer (**Reference Tree Preservation Plan AP# 20-38800016**) 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, P.E.  
Lennar Homes of Texas & Construction LTD  
Vice President of Land Development

<b><u>For Office Use Only:</u></b>		AEVR #:	_____	Date Received:	_____
<b><u>DSD – Director Official Action:</u></b>					
<input type="checkbox"/>	APPROVED	<input type="checkbox"/>	APPROVED W/ COMMENTS	<input type="checkbox"/>	DENIED
Signature:		_____		Date:	_____
Printed Name:		_____		Title:	_____
Comments:		_____			
		_____			
		_____			