



October 31, 2022

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

Re: Sapphire Grove Phase 2A, TRE-APP-APP21-38801647
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 Land & Construction LTD. (Lennar), Director of Land Development and representative to the owner of an existing tract of land to be developed as Single Family Residential located south east of New Sulphur Springs Rd. and Gardner Rd. located in San Antonio, Texas (the "Property"). The land requiring the exception is a 173.27 acre site described in MDP#21-11100013.

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

- 80% required preservation of trees and tree canopy within the 100-year floodplain.
- 80% required preservation of trees and tree canopy within the riparian buffer zone.

At existing conditions, the project site is currently undeveloped consisting of shrubs and small trees with slopes generally ranging from 1% to 3%. The site is located adjacent to the Federal Emergency Management Act (FEMA) floodplain. Said site can be seen in Exhibit 1 on the following page. **Exhibit 1.**



Exhibit 1

Due to ATLAS 14 floodplain delineation, the proposed site had to be embanked to properly detain runoff. With a substantial portion of the trees on site being concentrated in the areas labeled “Amenity” and “Phase 2A” in **Exhibit 1**, which is where the floodplain & riparian buffer lay, it became extremely difficult to save 80% of the floodplain & riparian trees following the +/- 3” root protection zone criteria. Additionally with the configuration of the proposed amenity center, many of the western trees within the “Amenity” area are compromised, though a large amount of the eastern trees were prioritized to be saved. The “Amenity” area is the drainage outfall point for Phases 1A, 2A, 3A, and 3B (over 1/3 of the site) so it is extremely important that we keep the design embankment to keep the amenity center above the required outfall depth. Developing the site in such a way that a larger number of trees could be saved would lower the overall proposed grade of much of the site. However, this would cause difficulties in terms of construction, as a majority of the site would be in a larger fill condition due to removing the drainage outfall excavation area and replacing it with embankment. With Drain A in Sapphire 1A outfalling right around 125 cfs we needed a minimum of 3’ depth below existing ground to provide a proper drainage channel. Bringing the channel up to existing ground to preserve trees would cause the entire site to be raised a minimum of 3 feet due to various utility and street design attributes. Additionally, no matter the case, we would need to have the amenity center to be raised a few feet above the drainage outfalls to keep the water underground, as the area is directly adjacent to a floodplain boundary. As seen in the exhibit above, the building footprint will require removal of trees no matter where it

is placed due to the sheer amount of trees concentrated in the area, but the proposed design is the only one that will maximize the land as it is (**See Attachment A**). This design allows the Amenity center lot to have a gradual ramp up the existing driveways on Sapphire Grove road, have the drain outfalls from Sapphire 1A and 2A be accounted for, and allows CPS to have the area to place their electrical step ups to power the entirety of the Sapphire Grove development. Upon much consideration, it does not appear there is a way to preserve the required number of trees and tree canopy area without compromising the safety of the site for future occupants. No possible configurations effectively stay in compliance and demonstrate the intent of the Unified Development Code. **Reference Tree Preservation Table.**

Tree Preservation Table	
	Preservation Percentage
Floodplain Preservation	35%
Floodplain Preservation (Small Species)	45%
Floodplain Preservation (Heritage Species)	0%
30' Riparian Buffer Preservation	42%
30' Riparian Buffer Preservation (Small Species)	69%

		Riparian Buffer	Floodplain
Small Species	Total	68	375
	Preserved	47	169
	Removed	21	206
	% Preserved	69	45
	Mitigation	7.4	131
Significant Species	Total	513.5	1096
	Preserved	214	380
	Removed	299.5	716
	% Preserved	42	35
	Mitigation	196.8	496.80
Heritage	Total		55
	Preserved		0
	Removed		55
	% Preserved		0
	Mitigation		165

To properly mitigate for this excessive removal of trees, and thus stay in compliance with the Unified Development Code 35-523 (h) and the Tree Preservation Ordinance, the developer is proposing to plant an additional third (2.0-inch caliper) medium species tree in 547 lots, an additional third (2.0-inch caliper) small species tree in 453 lots and upsizing the two required trees in each of the 1000 lots to 2.0-inch caliper trees. The developer will ultimately plant a total of 3000 inches for the purpose of mitigation, which will be 402 inches of overage from what is required. Additionally the excess plantings will provide 41,730 additional sqft of canopy than what is required by the city, showing the developer's intent to stay within the spirit of the UDC.

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 abide by the tree preservation requirements is due to the grading requirements of the site especially near the floodplain area which doubles as a major runoff outfall point, which is necessary to provide proper drainage for the future subdivision residents and abide by ATLAS 14 precipitation data.
- (2) This VR 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. It is KFW Engineers' opinion that the proposed lot configuration is required to ensure proper drainage, promote the safety of future Sapphire Grove's future homeowners, and comply with all relevant regulations. The proposed tree plantings are intended to stay in compliance with the UDC.
- (3) The Owner has sought to minimize any potentially adverse impacts on the public health, safety, and welfare. The purpose of the proposed plantings are intended to mitigate the Sapphire Grove development back to 35% for significant trees as of existing tree conditions within the property outside of the floodplain. The proposed plantings also account for mitigating the 30' Riparian buffer and floodplain trees back up to 80%.
 - 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 and excavation practices within lots is required, which leads to the removal of excess trees within the platted lots. The proposed layout of the amenity center (where the highest concentration of trees are located) accounts for placing the buildings and parking lot above the required downstream drainage outfall, showing the priority on providing a suitable drainage pattern. Additionally, since the lot is directly adjacent to the floodplain, the priority is to keep all buildings above the inundation boundary, which is why so much embankment is required in the area. In order for the owner to make reasonable use of his property 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 while abiding by proper engineering design with regard to the site's drainage and standards established by ATLAS 14.
 - 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.

In conclusion, granting this exception 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 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.
 Vice President of Land Development
 Authorized Agent

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