

February 28, 2023

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

Re: Sapphire Grove Phase 3A, 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 is 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 - Significant (**Item 1**)
- 80% required preservation of trees and tree canopy within the 100-year floodplain - Small Species Significant (**Item 2**)
- 80% required preservation of trees and tree canopy within the riparian buffer zone - Significant (**Item 3**)
- 80% required preservation of trees and tree canopy within the riparian buffer zone - Small Species Significant (**Item 4**)

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.

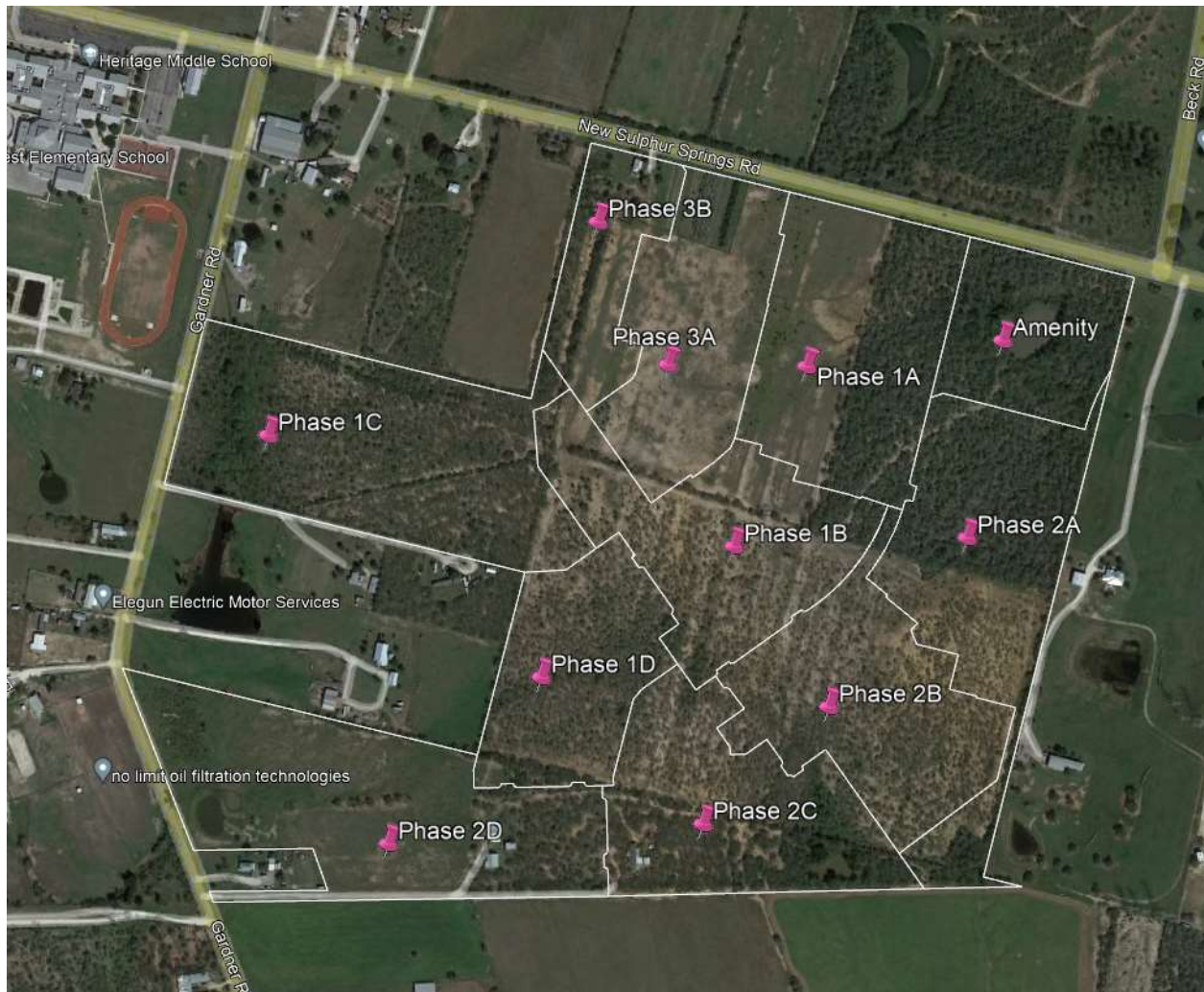


Exhibit 1

This variance is being submitted as an addendum to an environmental variance approved in November. Since then, we were informed of a few things leading to this submission. First, CPS Energy requested a larger easement to place the electric step ups that will provide power to a majority of the development. Originally, they requested an 80'X151.01' easement, but a couple of weeks after the AEVR approval, they revised the requested easement to account for their trucks and install equipment which resulted in the easement becoming 84'X204'. This size increase caused a further encroachment into the ESA/Floodplain areas. Because of this, we were informed that because we had a CLOMR in review with the City of San Antonio, we would be able to use the proposed revision of the 100 year floodplain line (and subsequent Riparian Buffer line) in order to designate our trees. This helped the trees affected by the CPS easement become exempt rather than environmentally sensitive. The original floodplain area was much larger, but with our proposed revision, the area decreased and subsequently, the amount of trees that were designated as environmentally sensitive decreased. With less trees designated as environmentally sensitive, the trees that were already being removed created a larger impact to the overall preservation percentage. On the other hand, due to the decrease of trees designated as environmentally sensitive, the preservation percentages for Significant trees and Significant small species trees both experienced increases. For more specific details on the proposed revisions, please refer to Exhibits 2, 3, and 4.

Calculation Comparison Tables (Exhibit 2):

Calculations related to the needed variance for not meeting **Items 1, 2, 3 and 4** are shown below:

		ESA	FLOODPLAIN
SIGNIFICANT	TOTAL (INCHES)	389	443
	PRESERVED (INCHES)	156.5	78
	REMOVED (INCHES)	233	368
	% PRESERVED	40%	17.6%
	REQ. MITIGATION (INCHES)	155.2	276.4
HERITAGE	TOTAL (INCHES)	0	55
	PRESERVED (INCHES)	0	0
	REMOVED (INCHES)	0	55
	% PRESERVED	0	0%
	REQ. MITIGATION (INCHES)	0	165

Mitigation Comparison Table (Exhibit 3):

	PREVIOUSLY APPROVED	PROPOSED REVISION	
TOTAL MITIGATION REQUIRED (INCHES)	2662.7	2130	CANOPY PROVIDED COMES FROM UPSIZING ALL 2000 REQUIRED TREES TO 2" CALIPER (2000 TREES * 0.5 INCHES = 1000 INCHES) AND PLANTING AN ADDITIONAL 2" CALIPER TREE ON ALL LOTS (1000 TREES * 2 INCHES = 2000 INCHES) TOTALING 3000 INCHES OF MITIGATION
TOTAL MITIGATION PROPOSED (INCHES)	3000	3000	
AMOUNT OF OVERAGE (INCHES) NO ADDITIONAL MITIGATION REQUIRED	(337.3)	(870.0)	

Canopy Comparison Table (Exhibit 4):

	PREVIOUSLY APPROVED	PROPOSED REVISION	
TOTAL CANOPY REQUIRED (SQFT)	2,773,256	2,773,256	IN THE APPROVED VARIANCE, WE WERE PROVIDING BOTH SMALL AND MEDIUM SPECIES TREES, BUT IN THE PROPOSED REVISION WE HAVE UPSIZED ALL TREES TO BE MEDIUM SPECIES, CAUSING THE INCREASE IN PROPOSED CANOPY
TOTAL CANOPY PROPOSED (SQFT)	2,809,761	3,065,281	
AMOUNT OF OVERAGE (INCHES) NO ADDITIONAL CANOPY REQUIRED	(36,505)	(292,025)	

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 upsize the two required trees in each of the 1000 lots to 2.0-inch caliper trees. The developer will ultimately plant a total of 2000 inches for the purpose of mitigation, which will be 870 inches of overage from what is required. Additionally the excess plantings will provide 292,025 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. Additionally, the developer has incorporated the facets delegated by CPS and COSA to deliver a proper and accurate tree plan, causing another environmental variance review.
 - (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. The developer is also providing a large excess of mitigation and tree canopy than what is required by the city, showing the willingness to uphold the spirit of 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,

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:	_____ _____				