

March 29, 2023

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



Re: Miro Meadows, AP# 22-38801913
UDC Sec. 35-523 (h), Table 523-1A Minimum Tree Preservation Requirements

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

Dear Development Services,

The following Environmental Variance is submitted on behalf of Richard Mott, Lennar Homes of Texas Land & Construction LTD., Vice President of Land Development of an existing tract of land to be developed as Single Family Residential located 2.7 miles southeast from U.S. Highway 87 and S. Foster Rd. intersection, located in Bexar County within the City of San Antonio ETJ (the "Property"). The land requiring the variance is a 40-acre site described in MDP#22-11100006.

The purpose of this is 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. Heritage trees shall be preserved at one hundred (100) percent preservation within both the 100-year floodplains and environmentally sensitive areas."

At existing conditions, the project site is mostly Savannah grassland with a canopy cover approximately equal to 10%. The topography ranges from 0%-10% and is located adjacent to the Federal Emergency Management Act (FEMA) floodplain. **Exhibit 1.**



Exhibit 1

Due to off-site drainage areas contributing runoff to the proposed site, the site had to be excavated to properly detain runoff and meet UDC regulations. However, this also made it impossible to preserve some existing trees.

80% preservation of significant species and 100% preservation of heritage species trees could not be attained within the 30' Riparian Buffer/Environmentally Sensitive Area (ESA) thus requiring this variance. There have been multiple attempts to revise the proposed site configuration and grading plan to preserve additional significant species trees in the environmentally sensitive area. However, 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 Significant Species (6.0" – 23.99")	42%	102.8 inches
30' Riparian Buffer Heritage Species (24"+)	0%	24 inches
	Total	126.8 inches

To properly mitigate for this removal of Riparian Buffer Significant and Heritage 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		
Mitigation Method	Number of Lots	Inches of Mitigation Planted
Increase caliper from 1.5-in to 2-in in Triangle Lots: (0.5 inches/ tree * 2 tree/ lot = 1 inches/ lot)	60 lots	60 inches
Increase caliper from 1.5-in to 2-in in Circle Lots: (0.5 inches/ tree * 2 tree/ lot = 1 inches/ lot)	69 lots	69 inches
	Total Inches Planted	129 inches
	Mitigation Required	126.8 inches
	Excess Mitigation	2.2 inches

The goal of this variance is to properly mitigate for tree removal within the ESA in Miro Meadows, and ultimately increase the canopy within the site. The developer is proposing to plant 2-in caliper trees instead of the required 1.5-in caliper trees in all lots designated with a circle or triangle on the Tree Preservation Plan (**Reference Tree Plan 22-38801913**). A total of 129 inches for mitigation will be counted towards the tree preservation within the ESA. This will provide an excess of 2.2 inches over the required mitigation.


The proposed removal of trees within the ESA will reduce the canopy coverage of the site by approximately 12,250 sq. ft. In contrast, the 90% mature canopy provided within 129 lots will increase canopy coverage by approximately 348,300 sq. ft. (**Reference Tree Plan 22-38801913**). The proposed tree plantings are intended to bring Riparian Buffer Significant and Heritage Trees up to 80% preservation in Miro Meadows, 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 Significant trees and 100% of Heritage 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 Miro Meadows Subdivision back to 80% of significant trees and 100% of heritage trees located within the 30' Riparian Buffer.
 - If the applicants comply strictly with UDC Sec. 35-523 (f), they cannot make reasonable use of their property. In order for the Property to be developed for Ultimate Development, construction of stormwater infrastructure is necessary to achieve both proper drainage within each platted lot and proper detention within the site. To comply with UDC guidelines, KFW Engineers must practice excavation to construct proper detention basins. 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 routing off-site storm water away from lots, therefore, construction of detention ponds became necessary for the Ultimate Development of the site.

In conclusion, granting this variance and permitting Richard Mott, Lennar Homes of Texas Land & Construction LTD., Vice President of Land Development to remove the existing Significant Trees located in the 30' Riparian Buffer (**Reference Tree Preservation Plan AP#22-38801913**) 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:

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Richard Mott
Vice President of Land Development
Lennar Homes of Texas Land & Construction LTD.

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