

DEPARTMENT: Development Services

DEPARTMENT HEAD: Michael Shannon

COUNCIL DISTRICTS IMPCTED: ETJ

PROJECT: TRE-APP-APP22-38801913 – TPV 23-151 Miro Meadows Variance

POSTING LANGUAGE:

TPV 23-151: Requested by Richard Mott, with Lennar Homes of Texas Land & Construction LTD. for a variance to remove trees in excess of the 80% significant and 100% heritage tree preservation requirements within the 30” Riparian Buffer/Environmentally Sensitive Area (ESA) as stated under the 2010 Tree Preservation Ordinance for Miro Meadows Units 1 & 2, located at 7659 NEW SULPHUR SPRINGS. Staff recommends approval. (William Cortez, Plans Examiner II, (210)-207-0270, William.Cortez@sanantonio.gov, Development Services Department).

SUBJECT:

Variance Request to mitigate for removal of significant and heritage trees in excess of the 80% significant and 100% heritage preservation requirements within the Environmentally Sensitive Areas in place under the 2010 Tree Preservation Ordinance

BACKGROUND INFORMATION:

Council District: ETJ

Filing Date: March 8, 2023

Applicant: Richard Mott, Vice President of Land Development, Lennar Homes of Texas

Staff Coordinator: Herminio Griego, Assistant City Arborist, 210-207-6042,
herminio.griego@sanantonio.gov

SUMMARY:

The Development Services Department (DSD) has reviewed the information presented in Mr. Richard Mott’s letter dated March 29, 2023. The Unified Development Code (UDC) – Article V, Section 35-523 (h), 100-Year Floodplain(s) and Environmentally Sensitive Areas (ESA) states that, “Significant trees shall be preserved at eighty (80) percent preservation within both the 100-year floodplains and Environmentally Sensitive Areas (ESA). Heritage trees shall be preserved at one hundred (100) percent preservation within both the 100-year floodplain and environmentally sensitive areas. Mitigation shall be prohibited in floodplains and environmentally sensitive area except when a variance is granted by the Planning Commission.”

The applicant is requesting a Variance Request to mitigate for removal of significant and heritage trees in excess of the 80% significant and 100% heritage tree preservation requirements within the Environmentally Sensitive Areas (ESA) in place under the 2010 Tree Preservation Ordinance for the Miro Meadows subdivision. The proposed project focuses on developing 129 single family residential lots for Miro Meadows Units 1 and 2. DSD staff does agree with the applicant’s request to mitigate for the removal of significant and heritage trees below 80% significant and 100% heritage tree preservation for the following reasons:

1. *Existing site conditions* – 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. This 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). As a result of the earthwork required to properly detain the site runoff, the proposed tree preservation ratios are as follows:

- a. ESA Significant trees = 157.5 inches removed (13 trees), 116 inches preserved (9 trees), 42% preservation ratio, 102.8 inches of required mitigation
 - b. ESA Heritage trees = 24 inches removed (1 trees), 0 inches preserved (0 trees), 0.0% preservation ratio, 24 inches of required mitigation
2. *Tree mitigation*– The total mitigation required for the removal of significant and heritage trees within the ESA is 126.8 inches. The owner proposes to mitigate by planting (120)-2-inch caliper trees per 60 lots, and (138)-2-inch caliper trees per 69 lots. The total mitigation provided from planting will be 129 inches. The 129 caliper inches of new trees planted provides added species diversity to include medium and large species native trees per San Antonio Recommended Plant List.

DSD staff supports the applicant's request to fall below the minimum 80% significant and 100% heritage tree preservation requirements within ESA based on the conditions of the site, design constraints, and the applicant meeting mitigation requirements by planting. The proposed Variance Request meets the intent and spirit of the Tree Ordinance therefore, staff recommends approval.

ISSUE:

The applicants project proposes removal of significant and heritage trees in the ESA and does not meet the required minimum preservation of 80% significant and 100% heritage trees within the Environmentally Sensitive Areas.

ALTERNATIVES:

Planning Commission may decide to deny the variance, which means the applicant will have to provide additional mitigation or comply with the Tree Preservation Ordinance.

RECOMMENDATION:

DSD staff recommends approval of the proposed variance.