

# **ZONING CASE: Z2002-236**

City Council District NO. 9

Requested Zoning Change

From: "R-6 ERZD,C-2 ERZD" To "R-6 PUD ERZD"

Date: JANUARY 9, 2003

Scale: 1" = 600'

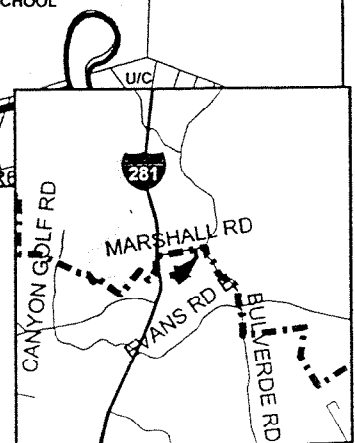
 Subject Property

 200' Notification

T-2  
p.483  
F-3



C:\DEC\_3\_2002



# CASE NO: Z2002236

**Zoning Commission Meeting Date:** December 03, 2002

**Council District:** 9

**Ferguson Map:** 483 E3

**Appeal:** No

**Applicant:**

Gordon V. Hartman Enterprises, Inc.

**Owner**

Gordon V. Hartman Enterprises, Inc.

**Zoning Request:**

From "C-2 ERZD" Commercial Edwards Recharge Zone District and "R-6 ERZD" Residential Single-Family Edwards Recharge Zone District to "R-6 PUD ERZD" Residential Single-Family Planned Unit Development Edwards Recharge Zone District.

71.777 acres out of NCB 18218, extending south from the block of Marshall Road between Bulverde Road and U.S. Highway 281 (approximately 1000 feet west of Bulverde Road)

**Property Location:**

Situated south of Marshall Road, west of Bulverde Road and east of U.S. Hwy 281

**Applicants Proposal:**

To permit a planned unit development to include single family residential uses

**Staff Recommendation:**

Approval.

Surrounding property includes a developed residential neighborhood, vacant residentially-zoned tracts and vacant commercially-zoned tracts. The subject property is made up of two tracts, the larger of which is already zoned residential, and the smaller being commercially-zoned.

The commercial zoning of this smaller parcel, along the south side of Marshall Road, is incompatible with adjacent residential uses. Marshall Road is not designed to accommodate extensive commercial development beyond its intersections with major thoroughfares. This commercial parcel lies approximately 250 feet west of the intersection of Marshall Road with Bulverde Road, most likely too long a distance from this intersection for commercial activity on a thoroughfare inadequate for commercial traffic.

If the zoning of this smaller 4-plus acre tract is changed to residential, the remaining commercially-zoned land at Marshall Road's intersection with Bulverde Road is enough to accommodate future neighborhood commercial development if so desired.

Establishing a Planned Unit Development for residential uses would be appropriate on this environmentally sensitive location.

**Zoning Commission Recommendation**

Approval.

**VOTE**

<b>FOR</b>	10
<b>AGAINST</b>	0
<b>ABSTAIN</b>	0
<b>RECUSAL</b>	0

**Z2002236**

**ZONING CASE NO. Z2002236** December 3, 2002

Applicant: Gordon V. Hartman Enterprises, Inc.

Zoning Request: "C-2" ERZD Commercial Edwards Recharge Zone District and "R-6" ERZD Residential Single Family Edwards Recharge Zone District to "R-6" PUD ERZD Residential Single Family Planned Unit Development Edwards Recharge Zone District.

Applicant/Representative not present.

Staff stated there were 16 notices mailed out to the surrounding property owners, 0 returned in opposition and 4 returned in favor.

Everyone present, for and against having been heard and the results of the written notices having been received, the Chairman declared the public hearing closed.

#### **COMMISSION ACTION**

The motion was made by Commissioner McAden and seconded by Commissioner Grau to recommend a continuance approval.

1. Property is located on 71.77 acres out of NCB 18218, extending south from the block of Marshall Road between Bulverde Road and U.S. Highway 281 (approximately 1000 feet west of Bulverde Road at South Marshall Road, west of Bulverde Road and east of U.S. Hwy. 281).
2. There were 16 notices mailed, 0 returned in opposition and 4 returned in favor.
3. Staff recommends approval.

**AYES: Mehringer, Grau, Kissling, McGowan, Hophan, Sherrill, McAden, Avila, Morell, Martinez**

**NAYS: None**

**THE MOTION CARRIED.**

#### **RESULTS OF NOTICE FOR COUNCIL HEARING**

To be provided at Council hearing.

**SAN ANTONIO WATER SYSTEM**  
**Interdepartment Correspondence Sheet**

NOV 14 PM 2:35

**To:** Zoning Commission Members

**From:** Kirk M. Nixon, Manager, Resource Protection Division, San Antonio Water System

**Copies To:** Scott R. Halty, Director, Resource Protection & Compliance Department, Karen Schubert, Planner III, Aquifer Protection & Evaluation Section, File.

**Subject:** Zoning Case Z2002236 (Hartman Development on Marshall Rd)

**Date:** November 15, 2002

**SUMMARY**

A request for a change in zoning has been made for an approximate 71.777-acre tract on the city's north side. A change in zoning from "R-6, C-2 ERZD" to "P1, R-6 (PUD)", is being requested by the applicant and owner Gordon V. Hartman Enterprises Inc. The change in zoning will allow for the construction of a residential subdivision. The subject property has been classified as Category 1 property.

**LOCATION**

The subject tract is located in City Council District 9, located on the southern side of Marshall Road west of its intersection with Bulverde Rd.. The property is located on the Edwards Aquifer Recharge Zone (Figures 1 and 2).

**SITE EVALUATION**

The Aquifer Protection & Evaluation Section of the San Antonio Water System conducted an investigation of the referenced property to evaluate any environmental concerns present at the site. The subject property can be described as an unimproved tract of land covered with a dense mixture of native trees and grasses. The subject property is located in the Upper Salado Creek watershed. The general direction of drainage is towards the southeast. According to FEMA flood insurance rate map No. 48029C0140, the subject site is located outside the 100-year flood plain.

The 71.777-acre tract is part of a larger development that holds a Water Pollution Abatement Plan (WPAP) approved by the Texas Commission on Environmental Quality (TCEQ) on January 31, 2002. Staff evaluated the geologic assessment and was in general agreement with the described assessment. The Edwards Kainer Formation, Kirschberg Evaporate member and the Dolomitic member is present on the site. No sensitive recharge features were listed in the Geologic Assessment portion of the WPAP nor were any observed while conducting the site investigation.

## ENVIRONMENTAL CONCERNS

The environmental concerns associated with this commercial development being constructed on the Edwards Aquifer Recharge Zone are:

1. The build-up of hydrocarbons and other pollutants on streets, parking lots and other paved areas which are then carried off in the first flush of stormwater run-off.
2. The improper use of pesticides, herbicides, or fertilizers needed for landscape maintenance that may be carried off in the first flush of stormwater run-off.
3. The proper construction of the sewer mains and service laterals to prevent wastewater from entering the subsurface

## ENVIRONMENTAL RECOMMENDATIONS

The following are recommendations to address the environmental concerns raised by the construction of this commercial development on the Edwards Aquifer Recharge Zone:

1. The following shall be submitted to the Resource Protection Division of the San Antonio Water System prior to the release of any building permits:
  - A. A WPAP shall be submitted for each particular development/use within the area being considered for re-zoning,
  - B. A set of site specific plans which must have a signed Engineers Seal from the State of Texas,
  - C. A letter from the Texas Commission on Environmental Quality approving each WPAP,
  - D. A copy of the approved WPAP.
4. After the water pollution abatement structure construction is complete and prior to the start of business, the owner shall notify the Resource Protection & Compliance Department at (210) 704-7392 to schedule a site inspection.

Zoning Commission Members

Z2002236 (Hartman Development on Marshall Rd.)

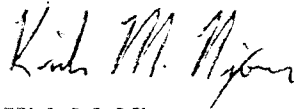
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5. If the water pollution abatement structure fails to drain properly, the owner shall notify the Resource Protection & Compliance Department at (210) 704-7392.
6. All water pollution abatement structures shall be properly maintained and kept free of trash and debris.
7. According to the provisions contained in the Edwards Rules 30 TAC, Section 213.5 (b)(5), the WPAP applicant is responsible for maintaining the permanent water pollution abatement structures and all other BMP's after construction until such time as the maintenance obligation is either assumed in writing by another entity having ownership or control of the property (such as without limitation, an owner's association, a new property owner or lessee, a district, or municipality) or the ownership of the property is transferred to the entity. Such entity shall then be responsible for maintenance until another entity assumes such obligations in writing.
9. Landscaped areas shall be sensitive to minimizing water needs (i.e. use of native plants). The owner/operator of this development and each purchaser or occupant of an individual lot within this development shall be informed in writing about Best Management Practices (BMP) of pesticide and fertilizer application. Preventing Groundwater Pollution. A Practical Guide to Pest Control, available from the Edwards Aquifer Authority (210/222-2204), or equivalent information produced by recognized authorities such as the Soil Conservation Service, Texas Department of Agriculture, U.S. Department of Agriculture, etc. shall be used.
11. The storage, handling, use and disposal of all over the counter hazardous materials within this development shall be consistent with the labeling of those materials. Failure to comply with the label warnings may constitute a violation of Federal law.
12. The City of San Antonio shall inspect all future construction of service laterals and sewer mains for proper construction according to State and City Regulations and Code.
13. If any solution openings, caves, sinkholes, or wells are found during the excavation, construction, or blasting, the developer shall notify the Texas Commission on Environmental Quality at (210) 490-3096 and the Aquifer Protection & Evaluation Division of the San Antonio Water System at (210) 704-7392.
14. The Resource Protection Division staff shall have the authority to inspect the site to ensure that the approved recommendations are being strictly adhered to during and after construction of the project.

Zoning Commission Members  
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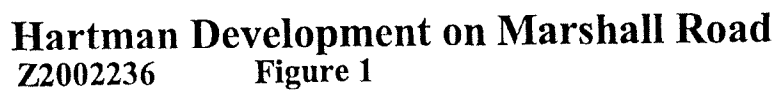
Based on the environmental assessment of the property and the proposed land use, staff recommends approval provided the applicant agrees to abide by all recommendations contained in this document.

APPROVED:

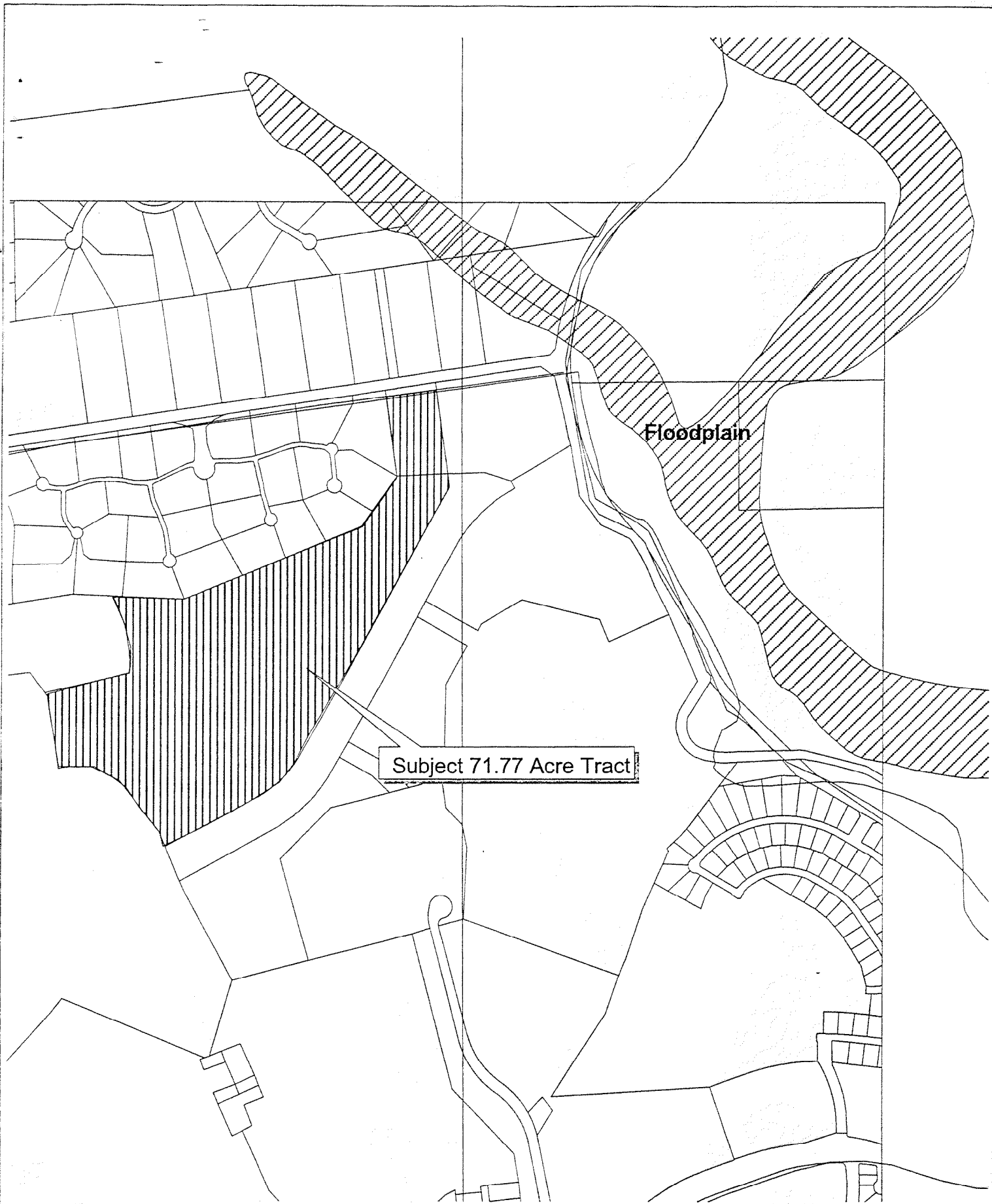
A handwritten signature in dark ink, appearing to read "Kirk M. Nixon". The signature is fluid and cursive, with the first name "Kirk" being more prominent.

Kirk M. Nixon  
Manager, Resource Protection Division

KMN:KJS







**Hartman Development on Marshall Rd**  
**Z2002236 Figure 2**

Map Prepared by Resource Protection & Compliance Department KJS 11/13/2002

