

CASE NO: Z2003100 C

Staff and Zoning Commission Recommendation - City Council

Zoning Commission continuance from July 15, 2003

Date: August 28, 2003

Zoning Commission Meeting Date: August 05, 2003

Council District: 8

Ferguson Map: 515 B-7

Appeal: No

Applicant: Owner

Bitterblue, Inc.

Rogers Shavano Ranch, LTD

Zoning Request: From "R-6 ERZD PUD" Residential Single-Family Edwards Recharge Zone District, Planned Unit Development and "C-3 ERZD" Commercial Edwards Recharge Zone District to "R-6 ERZD C" Residential Single-Family Edwards Recharge Zone District, with conditional use for a private High School

13.3 acre tract out of NCB 17627

Property Location: 4150 De Zavala Road

Proposal: To construct and operate a private Lutheran High School

Neighborhood Association: Woods of Shavano Neighborhood Association

Neighborhood Plan: None

TIA Statement: A traffic impact analysis is not required

Staff Recommendation:

Approval. Subject property is vacant land that abuts residential zoning to the west. There is "C-3 ERZD" zoning abutting subject property to the east. The requested "R-6 ERZD C" zoning is appropriate and would have no adverse impact on other properties in the neighboring community.

Zoning Commission Recommendation:

Approval

VOTE

FOR 9

AGAINST 0

ABSTAIN 0

RECUSAL 0

CASE MANAGER : Elvin J. Gant, Jr. 207-5876

Z2003100 C

ZONING CASE NO. Z2003100 – July 15, 2003

Applicant: Bitterblue, Inc.

Zoning Request: "R-6" ERZD PUD Residential Single Family Residence Edwards Recharge Zone District Planned Unit Development and "C-3" ERZD Commercial Edwards Recharge Zone District to "RM-5" ERZD Residential Mixed Edwards Recharge Zone District.

Andy Guerrero, 3134 Ranker, representing the applicant, stated they would like to amend their request to "R-6" C. He stated he would also like to request a continuance to have more time to meet with the surrounding neighbors.

Staff stated there were 53 notices mailed out to the surrounding property owners, 10 returned in opposition and 6 returned in favor and no response from Woods of Shavano Neighborhood Association.

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 Morell and seconded by Commissioner McAden to recommend approval of "R-6" ERZD C with a conditional use for a private high school.

1. Property is located on 13.3 acre tract out of NCB 17627 at 4150 De Zavala Road.
2. There were 53 notices mailed, 10 returned in opposition and 6 returned in favor.
3. Staff recommends approval.

AYES: Martinez, Grau, Kissling, Sherrill, McAden, Avila, Morell, Mehringer

NAYS: None

THE MOTION CARRIED.

ZONING CASE NO. Z2003100 – August 5, 2003

Applicant: Bitterblue, Inc.

Z2003100

Zoning Request: "R-6" ERZD PUD Residential Single Family Residence Edwards Recharge Zone District Planned Unit Development and "C-3" ERZD Commercial Edwards Recharge Zone District to "R-6" ERZD C Residential Single Family Edwards Recharge Zone District with a conditional use for a private high school.

Andy Guerrero, 3134 Ranker, representing the applicant, stated they are requesting this change in zoning to construct and operate a private Lutheran High School. He further stated they have met with the neighborhood association to discuss this development and they are in support of this request.

FAVOR

James Finch, 13806 Shavano Wind, stated he has been in contact with the applicant and strongly supports this zoning request.

Staff stated there were 53 notices mailed out to the surrounding property owners, 10 returned in opposition and 6 returned in favor and no response from Woods of Shavano Neighborhood Association.

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 Morell and seconded by Commissioner Sherrill to recommend approval.

1. Property is located on a 13.3 acre tract out of NCB 17627 at 4150 De Zavala Road.
2. There were 53 notices mailed, 10 returned in opposition and 6 returned in favor.
3. Staff recommends approval.

AYES: Martinez, Grau, Cardenas-Gamez, Kissling, Sherrill, McAden, Avila,
Morell, Mehringer

NAYS: None

THE MOTION CARRIED.

RESULTS OF NOTICE FOR COUNCIL HEARING

To be provided at Council hearing.

SAN ANTONIO WATER SYSTEM
Interdepartment Correspondence Sheet

RECEIVED
03 MAY 22 AM 9:55
LAND DEVELOPMENT
SERVICES DIVISION

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, Julia I. Mireles, PE, Karen Schubert, Planner III, Aquifer Protection & Evaluation Section, File

Subject: Zoning Case Z2003100 (Lutheran High School)

Date: May 22, 2003

SUMMARY

A request for a change in zoning has been made for an approximate 13.3-acre tract located on the city's northwest side. A change in zoning from "**R-6 PUD ERZD**" and "**C-3 ERZD**" to "**RM-5 ERZD**" is being requested by the applicant Andy Guerrero on behalf of the owner. The change in zoning has been requested to allow for the owner to construct a private high school.

As of the date of this report, an official request for a category determination or an official request for a "substantial alteration" determination has not been received by the Aquifer Protection & Evaluation Division. Based on the information provided, this property is a Category 2 property and shall be developed in accordance with all the provisions stated in Ordinance No. 81491 governing development on the Edwards Aquifer Recharge Zone. However, if the appropriate information is provided to the Aquifer Protection & Evaluation Section, this property may be determined to be a Category 1 property. If the property is determined to be a Category 1 property, staff recommends that the owner/operator use criteria outlined in Section 34-970 "Best Management Practices".

LOCATION

The subject property is located in City Council District 8, along De Zavala Road, west of Old Lockhill Selma Road. The property lies within the Edwards Aquifer Recharge Zone (Figures 1 and 2).

SITE EVALUATION

1. Development Description:

The proposed change is from R-6 and C-3 to RM-5 and will allow for the construction of a private high school. The property is currently undeveloped.

2. Surrounding Land Uses:

A residential neighborhood, Shavano Ridge Unit 1, is immediately west of the subject site. Additional residential neighborhoods exist to the north. The property immediately to the east of the site is currently undeveloped, however plans for an Eckerd's drugstore at this site have been submitted. A C.P.S. substation exists south of the property.

3. Geologic Features:

The Resource Protection Division of the San Antonio Water System conducted a site investigation on May 12, 2003 of the referenced property to assess the geologic conditions and evaluate any environmental concerns present at the site. The property is covered in a dense mixture of native vegetation that limited observation of onsite geology. Soils predominantly consisted of alluvium with Edwards Limestone float material. Onsite geology was evaluated by Gregory James, Environmental Geologist, and consisted predominately of outcrops of the Cyclic and Marine Members of the Edwards Formation. These outcrops were characterized by well-weathered rock with some dissolution features present. No significant recharge features were noted during the site investigation.

4. Water Pollution Abatement Plan:

The property is contained within the West Shavano Development WPAP. The Texas Water Commission approved the WPAP on November 18, 1992.

ENVIRONMENTAL CONCERNS

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

1. Standard Pollution/Abatement Concerns:

- A. 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.
- B. The build-up of hydrocarbons and other pollutants on streets, parking lots and other paved areas that are then carried off in the first flush of stormwater run-off.

ENVIRONMENTAL RECOMMENDATIONS

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

1. Underground Storage Tanks (UST) are strictly prohibited on the Edwards Aquifer Recharge Zone. Any Above Ground Storage Tank (AST) is required to have 150% containment volume.
2. Any AST shall have double wall containment.
3. Development within the floodplain and floodplain buffer zones must be in accordance with Ordinance No. 81491 governing development on the Edwards Aquifer Recharge Zone in the Floodplain Preservation Area(s).
4. If any significant geologic features such as, but not limited to, 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 Resource Protection Division of the San Antonio Water System at (210) 704-7305.
5. Prior to the release of any building permits the owner/operator of any Category 2 property shall submit an Aquifer Protection Plan to the Resource Protection Division of the San Antonio Water System.
6. The land uses within the property shall be in conformance with the table of permitted uses at the time the re-zoning is approved. Should a proposed use be listed as requiring City Council approval, the owner/operator shall apply for re-zoning for that particular use at that site. If the land use is listed as special use, a special permit must be obtained for that use. If the land use is listed as prohibited, that land use will not be permitted on that site.
7. Prior to the release of any building permits, the following shall be submitted to the SAWS Aquifer Protection & Evaluation Section of the Resource Protection Division:
 - A. A copy of the Water Pollution Abatement Plan (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 WPAP approval letter from the Texas Commission on Environmental Quality (TCEQ),
 - D. A copy of the approved Water Pollution Abatement Plan.

8. The storage, handling, use and disposal of all 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.
9. All stormwater run-off from the development shall be directed to a water pollution abatement system that shall be approved by the Aquifer Protection & Evaluation Division of the San Antonio Water System prior to the release of any building permits.
10. 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.
11. All water pollution abatement structures shall be properly maintained and kept free of tall vegetation, trash and debris.
12. 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.
13. 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 Natural Resource Conservation Service, Texas Department of Agriculture, U.S. Department of Agriculture, etc. shall be used.
14. The City of San Antonio shall inspect all future construction of the sewage collection system to include service laterals and sewer mains for proper construction according to State and City Regulations and Code.
15. 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.

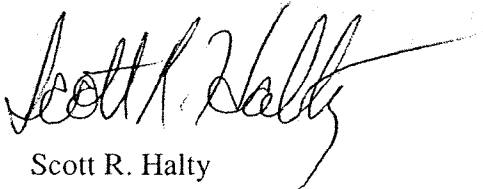
Zoning Commission Members
Z2003100 (Lutheran High School)
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Based on the site evaluation of the property, and the information submitted by the applicant, staff recommends approval as long as the applicant agrees to abide by all recommendations contained in this document.



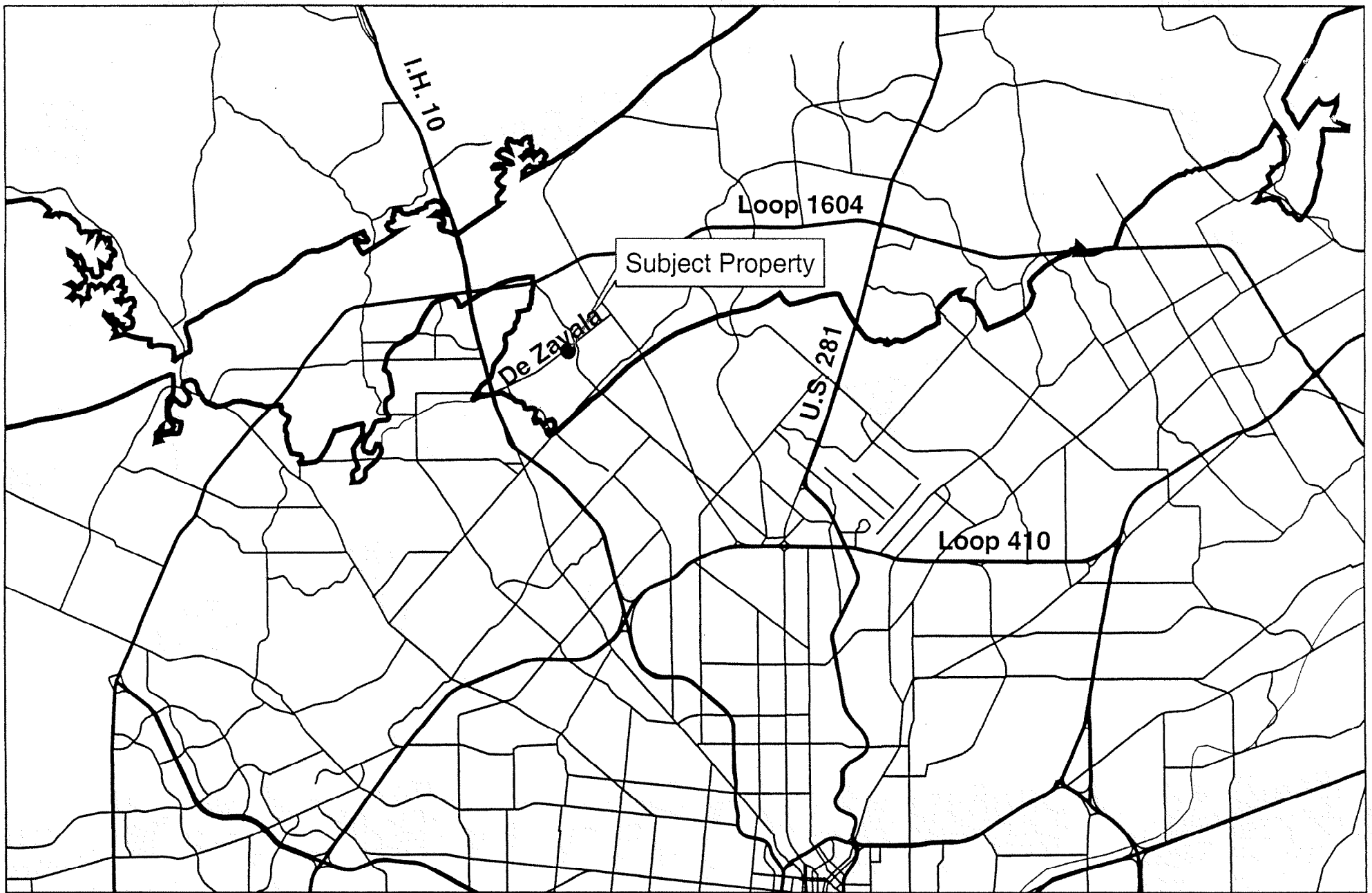
Kirk M. Nixon
Manager
Resource Protection Division

APPROVED:



Scott R. Halty
Director, Resource Protection & Compliance Department

KMN:KJS



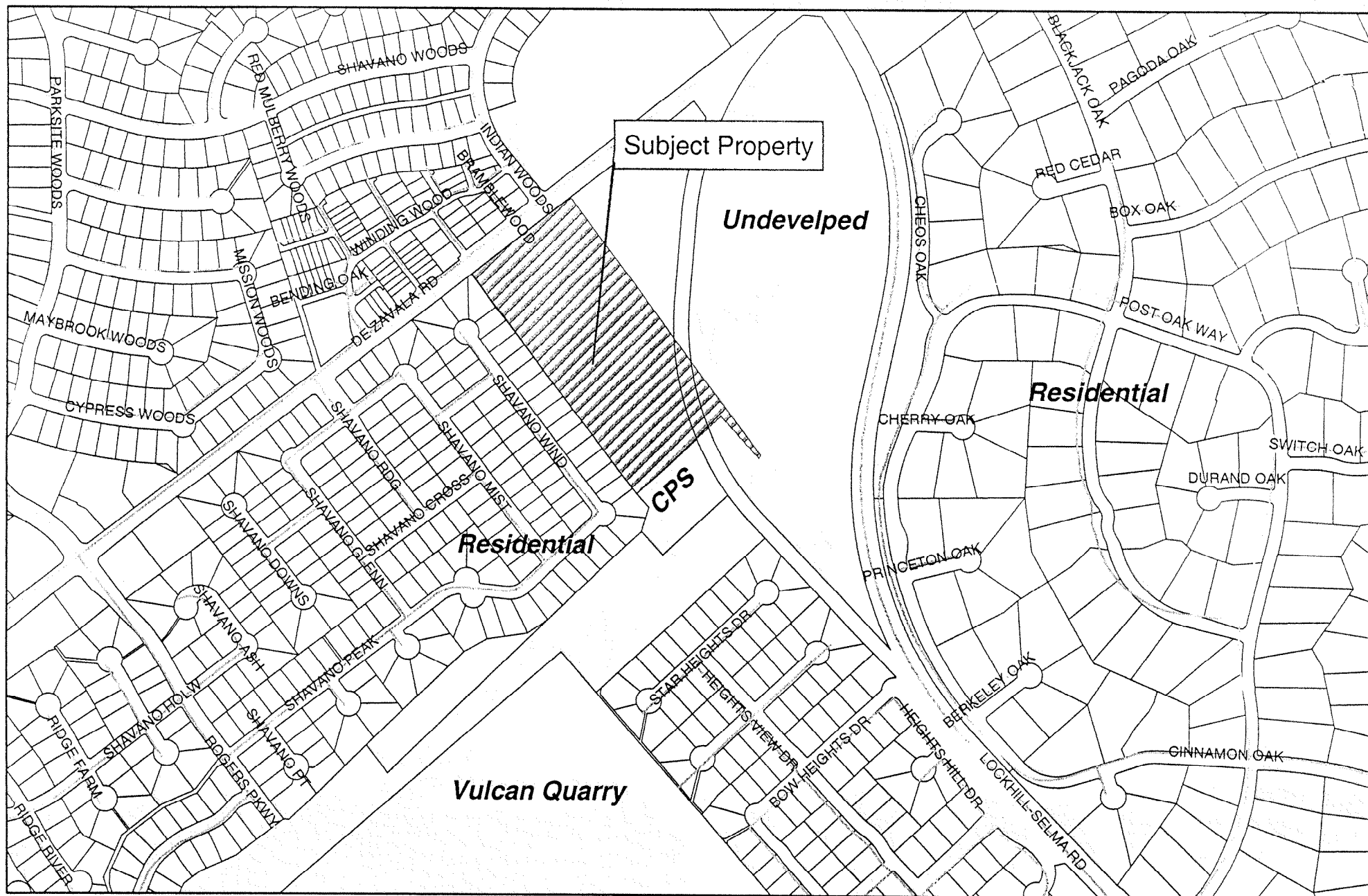
Lutheran High School

Z2003100

Figure 1

Map was prepared by the Resource Protection Division KJS 5/13/2003





Lutheran High School

Z2003100

Figure 2

Map was prepared by the Resource Protection Division KJS 5/13/2003