

ZONING CASE: Z2003-080

City Council District NO. 9

Requested Zoning Change

From: "C-2NA,O-2ERZD,C-1ERZD PUD" To "RM-5 ERZD PUD"

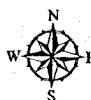
Date: August 14, 2003

Scale: 1" = 200'

Subject Property

200' Notification

T-9
p.516
B-6



C:\MAY 6, 2003

CASE NO: Z2003080

Staff and Zoning Commission Recommendation - City Council

City Council Continuance from June 26, 2003, Zoning Commission continuance from May 20, 2003

Date: August 14, 2003

Zoning Commission Meeting Date: June 03, 2003

Council District: 9

Ferguson Map: 516 B5

Appeal: Yes

Applicant:

Owner

Traditional Value Homes, Ltd. C/o C.
Benjamin McCaleb

Traditional Value Homes, Ltd.

Zoning Request:

From "C-2NA ERZD" Commercial, Nonalcoholic Sales Edwards Recharge Zone District, "O-2 ERZD" Office Edwards Recharge Zone District, and "C-1 ERZD-PUD" Light Commercial Edwards Recharge Zone District, Planned Unit Development to "RM-5 ERZD-PUD" Residential Mixed Edwards Recharge Zone District, Planned Unit Development

P -5, P-12, and P-1C, NCB 18350

Property Location:

Bitters Road

On Bitters Road between Huebner and Blanco

Proposal:

To develop a residential subdivision

Neighborhood Association:

Deerfield HOA, Deer Hollow NA 200' and Bridge at Deerfield NA 200'

Neighborhood Plan:

None

TIA Statement:

A traffic impact analysis is not required.

Staff Recommendation:

Approval.

The property in question is vacant, undeveloped land surrounded by residential zoning and use. There is "R-6 ERZD PUD" zoning abutting subject property to the south, and "R-5 ERZD" zoning abutting the property to the northeast and northwest. There is also "RM-4 ERZD" zoning across Bitters Road southwest of the property in question. The requested "RM-5 ERZD-PUD" zoning is compatible with the developmental scheme in the neighboring community, and will have no adverse impact on other properties.

Zoning Commission Recommendation:

Denial

VOTE

FOR 8

AGAINST 2

ABSTAIN 0

RECUSAL 0

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

Z2003080

ZONING CASE NO. Z2003080 – May 20, 2003

Applicant: Traditional Value Homes, Ltd. C/O C. Benjamin McCaleb

Zoning Request: "C-2NA" ERZD Commercial Non-Alcoholic Sales Edwards Recharge Zone District, "O-2" ERZD Office Edwards Recharge Zone District and "C-1" ERZD PUD Commercial Edwards Recharge Zone Planned Unit Development District to "RM-5" ERZD PUD Residential Mixed Edwards Recharge Zone Planned Unit Development District.

Applicant/ Representative not present.

OPPOSE

Val Pezdit, 1734 Fox Tree Lane, stated his property abuts the subject property. He stated he was informed that this case would be continued. He is in favor of this continuance to have more time to discuss this case with the developers. He stated he has prepared a petition from the surrounding neighbors who are in opposition of removing the covenants and restriction that are currently in place.

Dr. Don Repp, 1719 Diamond Ridge, representing Ridge at Deerfield Homeowners Association, stated he is concerned with the safety for the residences in this area. He feels this development would increase the traffic flow in the area. He also expressed concerns with the drainage problems in the neighborhood. He stated he feels these issues should be addressed before development.

Susan Kohan, 1738 Fox Tree Lane, stated she also is concerned with the drainage problems in this area.

Staff stated there were 46 notices mailed out to the surrounding property owners, 12 returned in opposition and 3 returned in favor and Deerfield Homeowners Association and Deer Hollow Homeowners Association is 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 Mehringer and seconded by Commissioner Cardenas-Gamez to recommend a continuance until June 3, 2003.

Z2003080

1. Property is located on P-5, P-12 and P-1C, NCB 18350 at Bitters Road.
2. There were 46 notices mailed, 12 returned in opposition and 3 returned in favor.
3. Staff recommends approval.

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

NAYS: None

THE MOTION CARRIED.

ZONING CASE NO. Z2003080 – June 3, 2003

Applicant: Traditional Value Homes, Ltd. C/O C. Benjamin McCaleb

Zoning Request: "C-2NA" ERZD Commercial, Nonalcoholic Sales Edwards Recharge Zone District, "O-2" ERZD Office Edwards Recharge Zone District and "C-1" ERZD PUD Light Commercial Edwards Recharge Zone District Planned Unit Development to "RM-5" ERZD PUD Residential Mixed Edwards Recharge Zone District Planned Unit Development.

Ben McCaleb, 700 N. St. Mary's Street, representing the owner, stated their intent is to develop approximately 40 garden homes on the subject property. He stated he has been in contact with Deer Hollow Homeowners Association and has received a letter of support. He further stated they have agreed to retain the restrictive covenants on the property.

OPPOSE

Val Pelzel, 1734 Fox Tree Lane, stated he is concerned with the difference between Garden Homes and Townhomes. He stated he would like some clarification.

REBUTTAL

Ben McCaleb, stated he would like to clarify that this development would be Garden Homes not Townhomes.

Staff stated there were 46 notices mailed out to the surrounding property owners, 9 returned in opposition and 2 returned in favor and no response from Deerfield Homeowners Association and Ridge at Deerfield Homeowners 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.

Z2003080

COMMISSION ACTION

The motion was made by Commissioner McAden and seconded by Commissioner Grau to recommend denial.

1. Property is located on P-5, P-12 and P-1C, NCB 18350 at Bitters Road.
2. There were 46 notices mailed, 9 returned in opposition and 2 in favor.
3. Staff recommends approval.

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

NAYS: Martinez, Morell

THE MOTION CARRIED.

RESULTS OF COUNCIL HEARING June 26, 2003

City Council granted a continuance on this case until August 14, 2003

RESULTS OF NOTICE FOR COUNCIL HEARING

To be provided at Council hearing.

SAN ANTONIO WATER SYSTEM
Interdepartment Correspondence Sheet

RECEIVED
03 APR 24 PM 4:31
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 Z2003080(Traditional Value Homes)

Date: April 22, 2003

SUMMARY

A request for a change in zoning has been made for an approximate 8.29-acre tract located on the city's north side. A change in zoning from "C-2 NA, O-2, C-1 ERZD" to "RM-5 ERZD" is being requested by the owner, Traditional Value Homes represented by C. Benjamin McCaleb. The change in zoning has been requested to allow for the owner to develop the property into a residential subdivision.

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 9, along Bitters Road, north of Blanco Road. The property lies within the Edwards Aquifer Recharge Zone (Figures 1 and 2).

SITE EVALUATION

1. Development Description:

The proposed change is from commercial to residential and will allow for the construction of a garden home subdivision. The property is currently undeveloped. Dense vegetation, including shrubs and trees cover the site.

2. Surrounding Land Uses:

The surrounding land use is residential.

3. Geologic Features:

The Resource Protection Division of the San Antonio Water System conducted an investigation on April 16, 2003 of the referenced property to assess the geologic conditions and evaluate any environmental concerns present at the site. No significant recharge features were noted during our site investigation, although Edwards outcropping was observed. Dumping of home construction material has occurred on the site. Fill material was also present on the site.

4. Water Pollution Abatement Plan:

As of the date of this report, a Water Pollution Abatement Plan has not been submitted.

ENVIRONMENTAL CONCERNS

The environmental concerns associated with this residential 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.

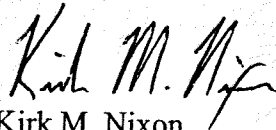
ENVIRONMENTAL RECOMMENDATIONS

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

- 1. 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).
- 2. 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.

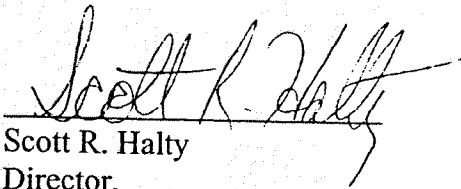
3. Prior to the release of any building permits the owner/operator of any Category 2 property shall submit an Aquifer Protection Plan to the Resource Protection Division of the San Antonio Water System.
4. The land uses within the subject property shall be in conformance with the table of permitted uses 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.
5. 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.
6. 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.
7. 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.
8. 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.
9. 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.

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