

ZONING CASE: Z2003-162

City Council District NO. 9

Requested Zoning Change

From: "MF-33,MF-33ERZD,C-3NA" To "RM-4,RM-4ERZD,C-3NA"

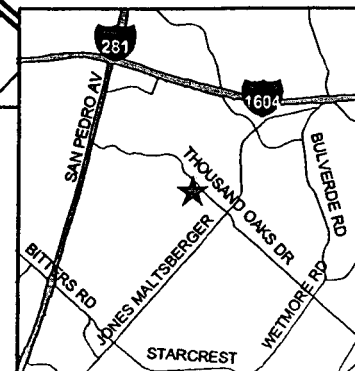
Date: September 25, 2003

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CASE NO: 22003162

Staff and Zoning Commission Recommendation- City Council

Zoning Commission: Postponement from September 2, 2003

Date: September 25, 2003

Zoning Commission Meeting Date: September 16, 2003

Council District: 9

Ferguson Map: 517 E6

Appeal: No

Applicant:

Kaufman & Associates, Inc.

Owner:

Thousand Oaks/Henderson Pass

Zoning Request:

From "MF-33" Multi Family District, MF-33 ERZD" Multi Family Edwards Recharge Zone District, & "C-3NA" General Commercial District, Nonalcoholic Sales to "PUD RM-4" Planned Unit Development Residential Mixed District, "PUD RM-4 ERZD", Planned Unit Development Residential Mixed Edwards Recharge Zone District and "C-3 NA" General Commercial District, Nonalcoholic Sales.

13.49 acres out of NCB 16643

Property Location:

1854 & 2752 Thousand Oaks

Proposal:

To allow for a townhome subdivision with private streets

Neighborhood Association:

North Central Thousand Oaks Neighborhood Association and within 200 feet - Oak Hollow Park Neighborhood Association

Neighborhood Plan:

None

TIA Statement:

A Traffic Impact Analysis is not required

Staff Recommendation:

Approval. The proposed "PUD RM-4" is a downzoning from the existing "C-3 NA" zoning and will be a substantial decrease in density from the existing "MF-33". The PUD designation is to permit private streets.

Zoning Commission Recommendation:

Approval

VOTE

FOR 10

AGAINST 0

ABSTAIN 0

RECUSAL 0

CASE MANAGER : Fred Kaiser 207-7942

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ZONING CASE NO. 22003162 – September 16, 2003

Applicant: Kaufman & Associates, Inc.

Zoning Request: "MF-33" Multi Family District, "MF-33" ERZD Multi Family Edwards Recharge Zone District and "C-3NA" Commercial District, Nonalcoholic Sales to PUD "RM-4" Planned Unit Development Residential Mixed District, PUD "RM-4" ERZD Planned Unit Development Residential Mixed Edwards Recharge Zone District and "C-3NA" Commercial District, Nonalcoholic Sales.

Rob Killen, 100 W. Houston, representing the applicant, stated they are requesting this change in zoning to allow for a towhome subdivision ~~with~~ private streets. He stated it is currently zoned for apartment and commercial use. He further stated this change would be a downzone.

Staff stated there were **46** notices mailed out to the surrounding property owners, 0 returned in opposition and 6 returned in favor and North Central Thousand Oaks Neighborhood 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 McAden and seconded by Commissioner Grau to recommend approval.

1. Property is located on 13.49 acres out of NCB 16643 at **1854** & 2752 Thousand Oaks.
2. There were **46** notices mailed, 0 returned in opposition and **6** in favor.
3. Staff recommends approval.

AYES: Martinez, Grau, Cardenas-Gamez, Kissling, Dutmer, Dixon, McAden, Avila, Morell, Peel

NAYS: None

THE MOTION CARRIED

RESULTS OF NOTICE FOR COUNCIL HEARING

To be provided at Council hearing.

SAN ANTONIO WATER SYSTEM
Interdepartment Correspondence Sheet

Z2003162

73 AUG 19 P 1:11
SERVICES

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 22003 162 (1854/2752 Thousand Oaks Drive)

Date: August 19, 2003

SUMMARY

A request for a change in zoning has been made for an approximate 13.49-acre tract located on the city's northeast side. A change in zoning from "**MF-33, MF-33 ERZD** and **C-3NA**" to "**C-3NA, RM-4** and **RM-4 ERZD**" is being requested by the applicant Kaufman & Associates, Inc. The change in zoning **has** been requested to allow for construction of a townhome subdivision with private streets and a retail shopping center.

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".

Based on the site evaluation of the property, and the information submitted by the applicant, staff recommends approval provided that the applicant agrees to abide by all recommendations contained in this document.

LOCATION

The subject property is located in City Council District **9**, along Thousand Oaks Drive, east of Henderson Pass. The property lies within the **Edwards** Aquifer Recharge Zone (Figures 1 and 2).

SITE EVALUATION

1. Development Description:

The proposed changes are from MF-33 ERZD to RM-4 ERZD, C-3 NA to RM-4, MF-33 to **RM-4** and also MF-33 to C-3 NA. These zoning changes will allow for the construction of a townhome subdivision, with private streets, and a retail shopping center. The property appears to be an abandoned residential lot. **An** old foundation and swimming pool were found during our site evaluation. A large Hackberry tree is growing out of the bottom of the swimming pool. A large amount of dumping has **also** occurred on the site. The property is currently overgrown with native vegetation.

2. Surrounding Land Uses:

A Veterinary Clinic is located immediately north of the site. A mini-storage facility is located west of the site. To the south, a single-family residential neighborhood exists. East of the site is an apartment complex.

3. Geologic Features:

The Resource Protection Division of the **San** Antonio Water System conducted **an** evaluation on August 6, 2003 **of** the referenced property to assess the geologic conditions and evaluate any environmental concerns present at the site. SAWS **staff** Geologist, Gregory **James, P.G.** was present during the site evaluation and observed no significant recharge feature. The Western portion of the site is located on the Edwards Aquifer Recharge Zone. According to USGS Hydro-Geologic Map, the recharge portion of the site is underlain by Upper Confining Unit, Undivided. **This** could not be verified by field observation due to coverage by **alluvium**. Some outcropping of bedrock was observed but field identification was not possible due **to** heavy weathering of the rock.

4. Water Pollution Abatement Plan:

As of the date of this report, a WPAP has not been submitted to the Texas Commission on Environmental Quality.

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**.

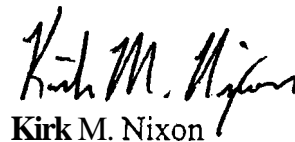
ENVIRONMENTAL RECOMMENDATIONS

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

1. 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 commercial zoned areas 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.

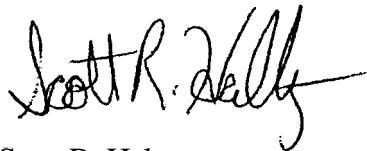
6. The storage, handling, use and disposal of all hazardous materials within this development shall be consistent with the labeling of those materials. Failure to comply with the label warnings may constitute a violation of Federal law.
7. Landscaped areas shall be sensitive to minimizing water needs (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 provided that the applicant agrees to abide by all recommendations contained in this document.



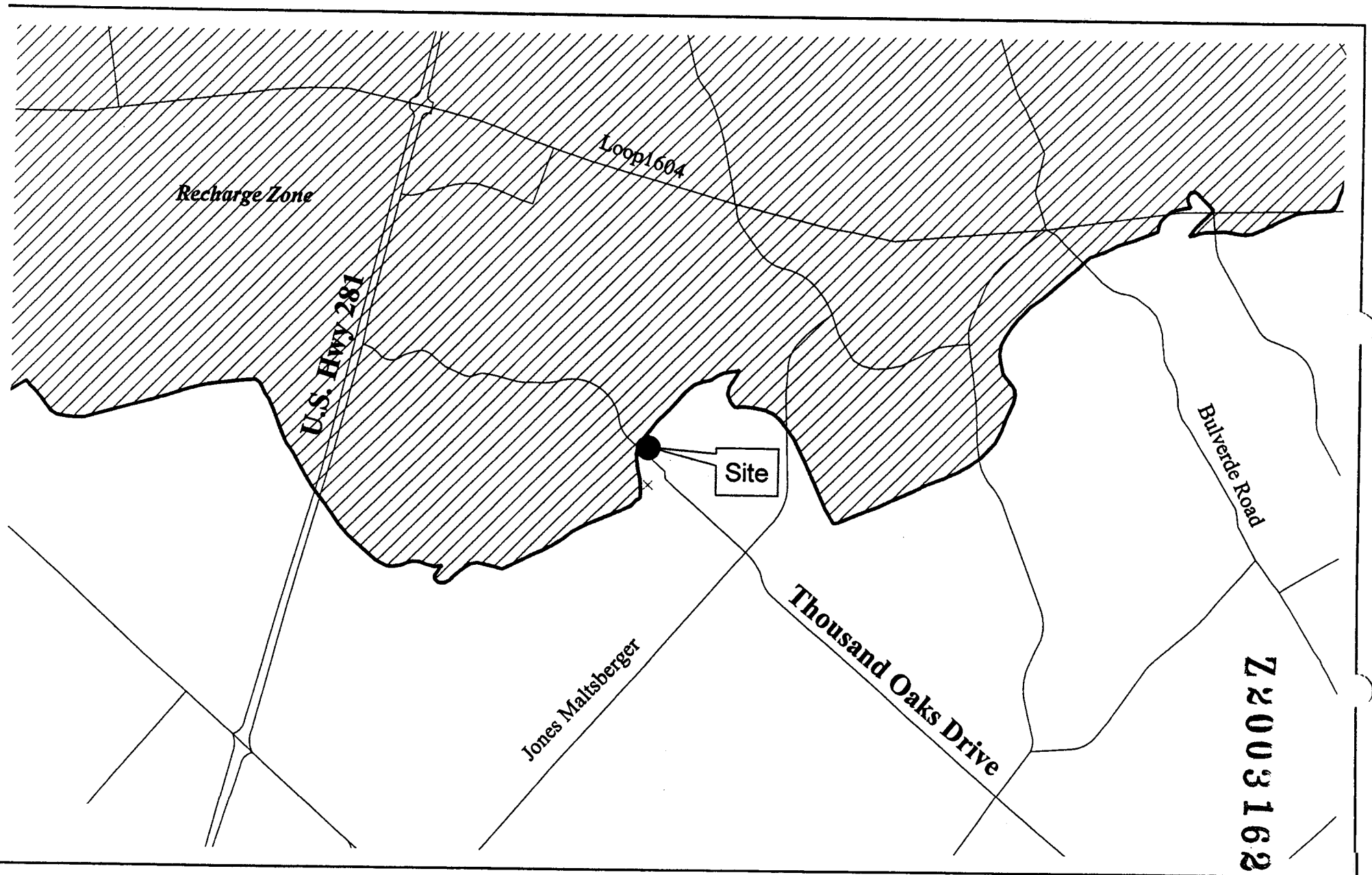
Kirk M. Nixon
Manager
Resource Protection Division

APPROVED:



Scott R. Halty
Director,
Resource Protection & Compliance Department

KMN:KJS

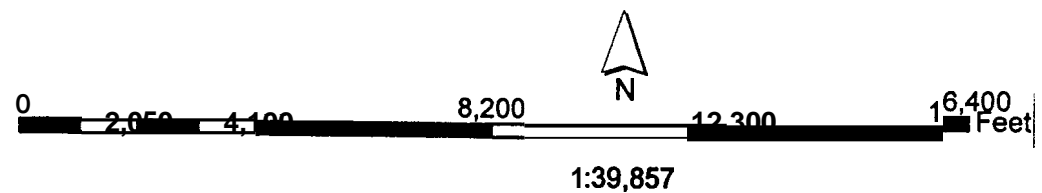


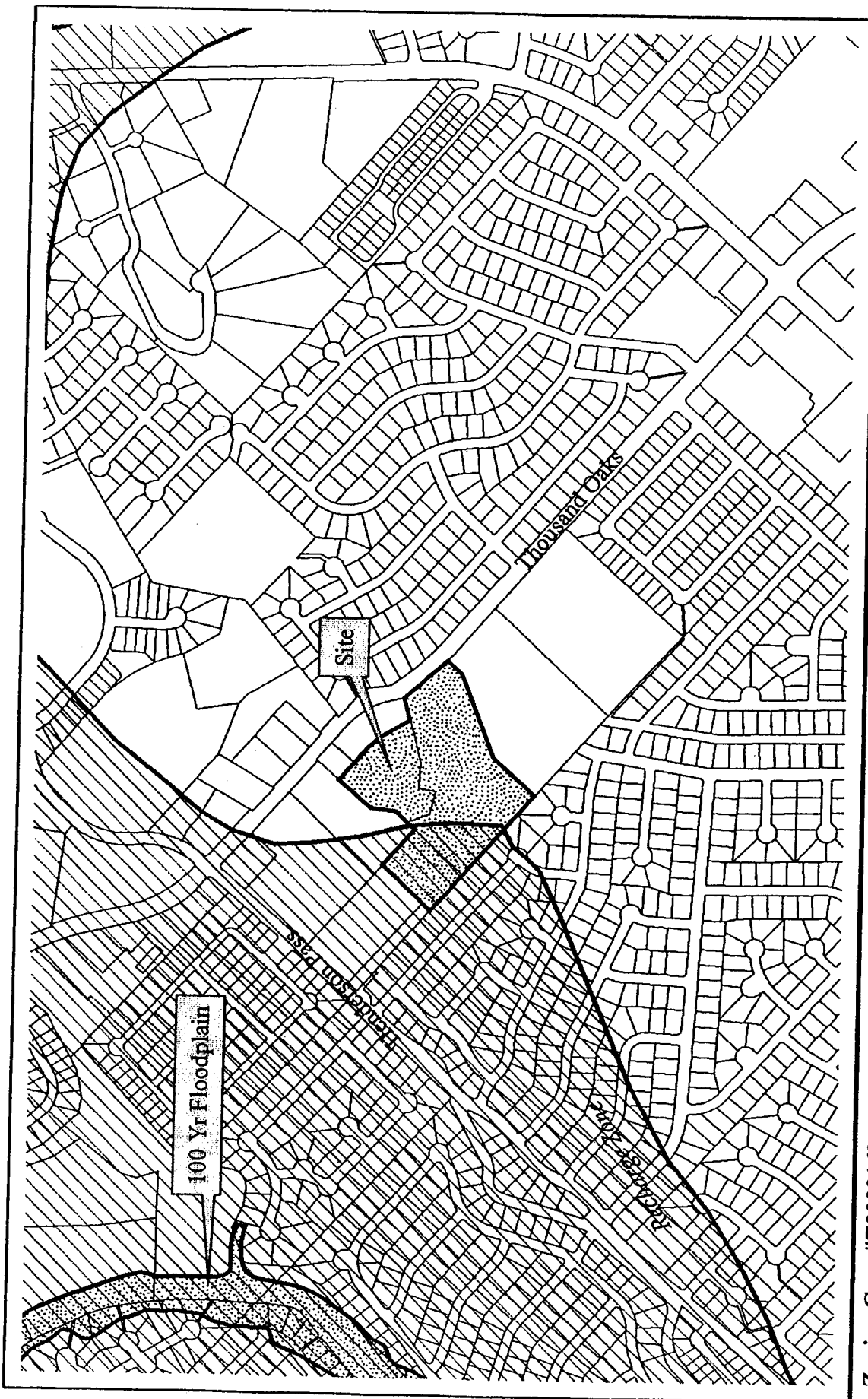
Zoning Case # 22003162 Figure 1

1854/2752 Thousand Oaks Drive

Map Page 517 D6

Map prepared by Aquifer Protection & Evaluation KJS 8/6/2003





Zoning Case #Z2003162 Figure 2
1854/2752 Thousand Oaks Drive
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