

ZONING CASE: Z2003-242

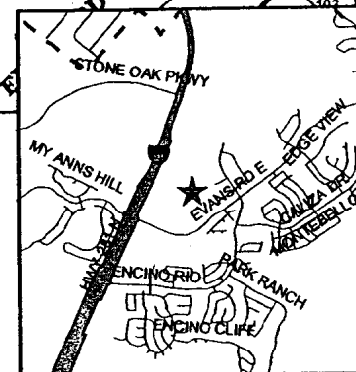
City Council District NO. 9
 Requested Zoning Change
 From: "C-3 ERZD" To "MF-33 ERZD"
 Date: January 8, 2004
 Scale: 1" = 300'

- Subject Property
- 200' Notification

T-0
 p.647
 E-5



C:\DEC_2_2003



CASE NO: Z2003242

Staff and Zoning Commission Recommendation - City Council

Date: January 08, 2004

Zoning Commission Meeting Date: December 16, 2003

Council District: 9

Ferguson Map: 483 D6

Appeal: No

Applicant: Owner

Encino Land Associates Limited
Partnership

Encino Land Associates Limited Partnership

Zoning Request: From "C-3 ERZD" General Commercial Edwards Recharge Zone District to
"MF-33 ERZD" Multi-Family Edwards Recharge Zone District

P-33, NCB 18217

Property Location: Eastern side of Encino Commons, north of Evans Road

Proposal: To develop a multi-family complex

**Neighborhood
Association:** None

Neighborhood Plan: None

TIA Statement: A traffic impact analysis is not required

Staff Recommendation:

Approval. Subject property is undeveloped land that abuts residential zoning and use to the east. There is "C-2 ERZD" zoning to the north, northwest, and south of subject property, and "C-3 ERZD" zoning to the southwest. The requested "MF-33 ERZD" zoning would be an appropriate buffer between the existing commercial and residential zonings to the west and east respectively.

Zoning Commission Recommendation:

Approval

VOTE

FOR 9

AGAINST 0

ABSTAIN 0

RECUSAL 0

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

**SAN ANTONIO WATER SYSTEM
Interdepartment Correspondence Sheet**

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 Z2003242 (Bristol Park)

Date: November 26, 2003

SUMMARY

A request for a change in zoning has been made for an approximate 12.5-acre tract located on the city's north side. A change in zoning from "C-3 ERZD" to "MF-33 ERZD" is being requested by the owner, Encino Land Associates, represented by Ms. Cara C. Tackett, P.E. of Pape-Dawson Engineers, Inc. The change in zoning has been requested to allow for the owner to construct a multifamily residential development.

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, on the eastern side of Encino Commons, north of Evans Road. The property lies within the Edwards Aquifer Recharge Zone (Figures 1 and 2).

SITE EVALUATION

1. Development Description:

The proposed change is from C-3 ERZD to MF-33 ERZD and will allow for the construction of a multifamily residential development. Currently the property is undeveloped.

2. Surrounding Land Uses:

An Apartment Complex is located immediately west of the site on the opposite side of Encino Commons. Single-family residential homes exist to the east of the property. The remaining property surrounding the site is undeveloped.

3. Geologic Features:

The Resource Protection Division of the San Antonio Water System conducted an evaluation on November 20, 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. The site possesses outcrops of the Dolomitic Member of the Edwards Limestone. Some outcrops of vuggy rock were observed. While some solution cavities were noted on the property, none appear to be sensitive. There appears to be little potential for the transmission of water to the subsurface at this site. Additionally, staff reviewed the geologic assessment in the WPAP, prepared by Pape-Dawson Engineers Inc., and no potential recharge features were discovered on the site. Based on our evaluation, staff is in general agreement with the findings of the Geologic Assessment report. A portion of the property does lie within the FEMA 100 year floodplain.

4. Water Pollution Abatement Plan:

A portion of the site is contained within the Bristol Park at Encino Commons Phase II WPAP approved on September 9, 2003 by 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. Site Specific Concerns:

A. The storage, handling and use of swimming pool chemicals.

2. 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.

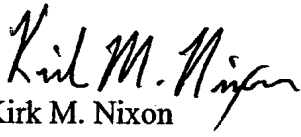
ENVIRONMENTAL RECOMMENDATIONS

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

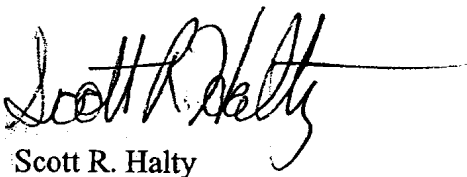
1. The storage, handling, use and disposal of all hazardous materials within this development shall be consistent with the labeling of those materials. This is to include any chemicals stored on site for swimming pool maintenance. Failure to comply with the label warnings may constitute a violation of Federal law.
2. 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).
3. 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.
4. 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.
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. 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.

7. 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.
8. 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.

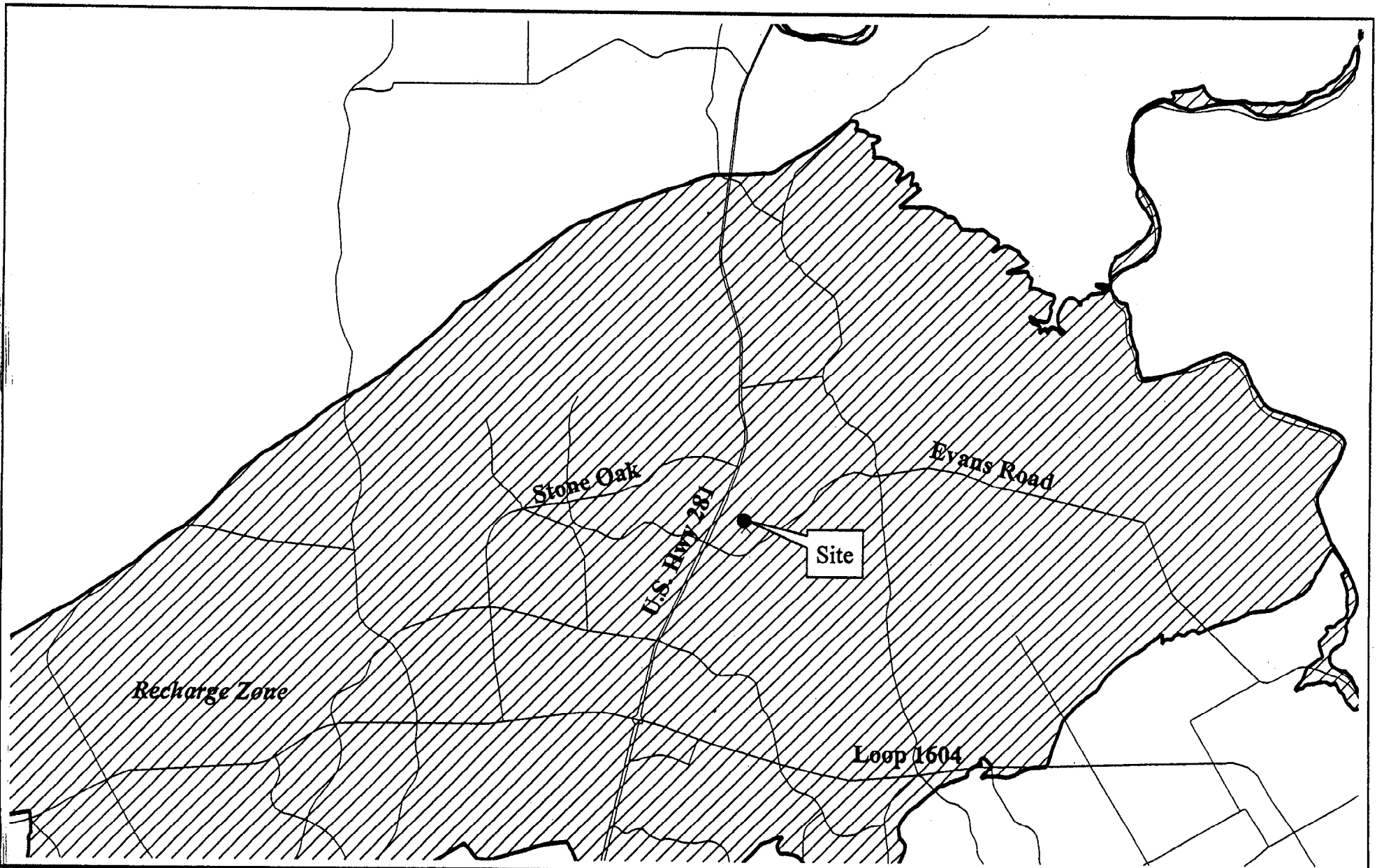
Based on the site evaluation of the property, and the information submitted by the applicant, staff recommends approval provided that the applicant agrees to abide by all recommendations contained in this document.


Kirk M. Nixon
Manager
Resource Protection Division

APPROVED:


Scott R. Halty
Director,
Resource Protection & Compliance Department

KMN:KJS



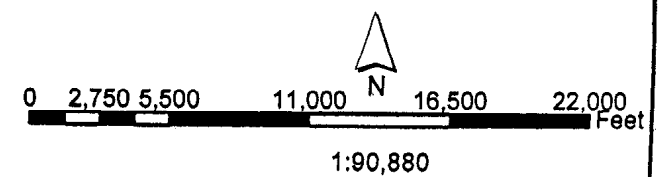
Zoning Case: Z2003242

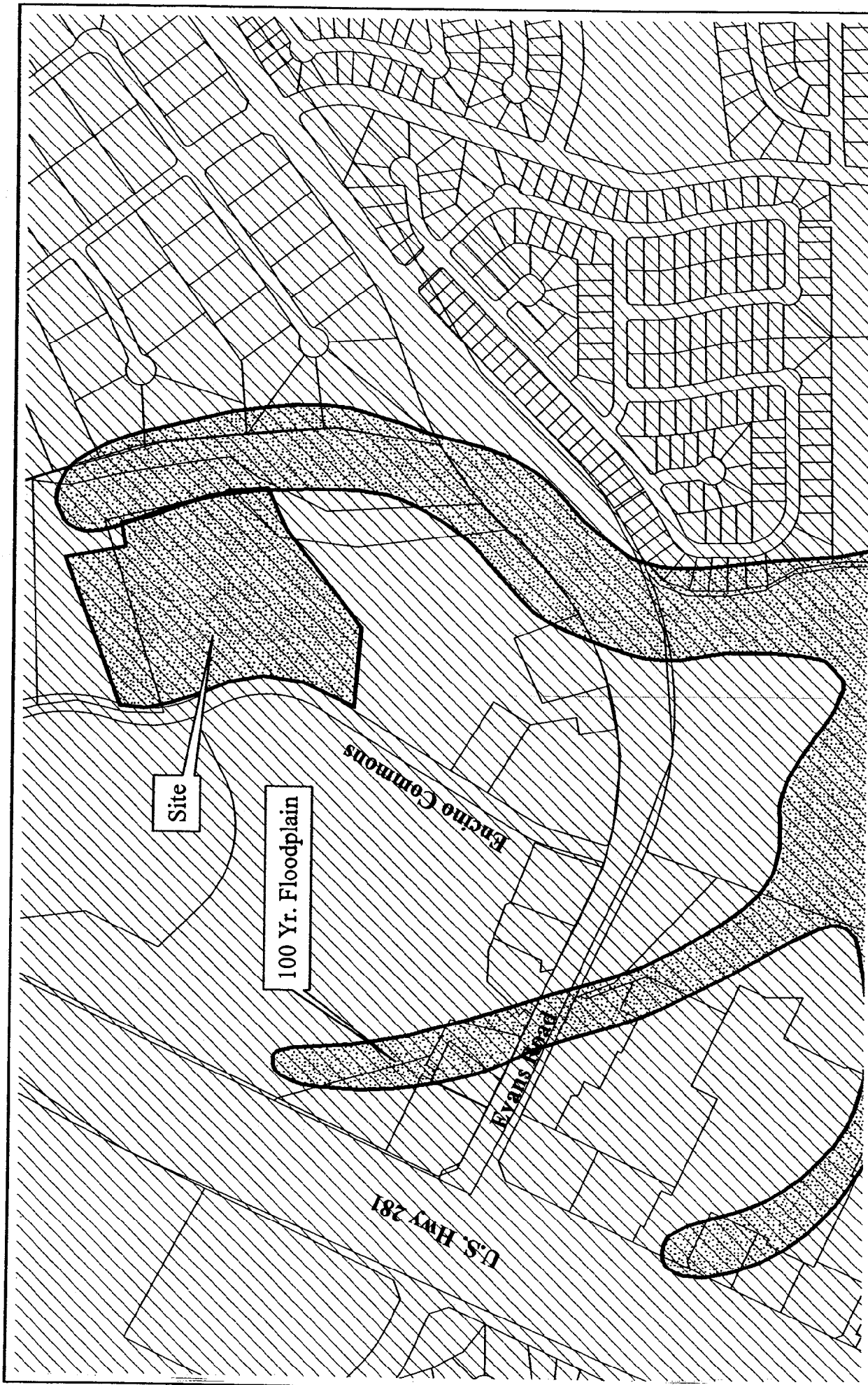
Figure 1

Map Page 483 D6

X= 2143351 Y=13780418

Map prepared by Aquifer Protection & Evaluation KJS 11/20/2003





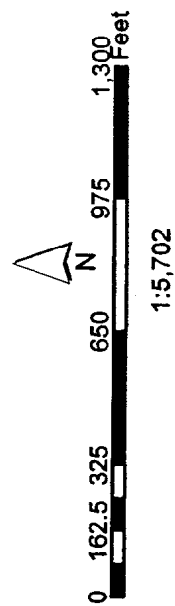
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Figure 2

Map Page 483 D6

X= 2143351 Y=13780418

Map prepared by Aquifer Protection & Evaluation KJS 11/20/2003



Z2003242

ZONING CASE NO. Z2003242 – December 16, 2003

Applicant: Encino Land Associates Limited Partnership

Zoning Request: “C-3” ERZD General Commercial Edwards Recharge Zone District to
“MF-33” Multi Family Edwards Recharge Zone District.

Ruben Pena, 257 Mayfield, representing the applicant, stated they would like to amend their request to “MF-25”. He stated they are proposing to develop a multi family complex on the subject property. He further stated he has been in contact with the surrounding neighbors who are in support of this request.

Staff stated there were 23 notices mailed out to the surrounding property owners, 1 returned in opposition and 1 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 approval of “MF-25” ERZD.

1. Property generally located on P-33, NCB 18217 at Encino Commons, north of Evans Road.
2. There were 23 notices mailed, 1 returned in opposition and 1 in favor.
3. Staff recommends approval.

AYES: Martinez, Grau, Kissling, Dutmer, Dixon, Sherrill, McAden, Avila, Peel

NAYS: None

THE MOTION CARRIED

RESULTS OF NOTICE FOR COUNCIL HEARING

To be provided at Council hearing.