

CASE NO: Z2003230

Staff and Zoning Commission Recommendation - City Council

Date: March 25, 2004

Zoning Commission Meeting Date: March 02, 2004

Council District: 9

Ferguson Map: 483 B5

Appeal: No

Applicant:

Gordon V. Hartman

Owner:

Gordon V. Hartman

Zoning Request: From "C-2 ERZD" Commercial Edwards Recharge Zone District to "PUD, R-5 ERZD " Planned Unit Development, Residential Single-Family Edwards Recharge Zone District

30.566 acres out of NCB 19219

Property Location: East of the intersection of Evans Road and Stone Oak Parkway

Proposal: To construct a residential single-family subdivision

Neighborhood Association: Stone Oak Neighborhood Association

Neighborhood Plan: None

TIA Statement: A level-1 traffic impact analysis indicated no adverse impact on traffic.

Staff Recommendation:

Approval. Subject property is undeveloped land that abuts "R-6 ERZD" zoning to the east and west. There is "C-2 ERZD" farther east. The requested "PUD, R-5 ERZD " zoning is a significant decrease in density from the existing "C-2 ERZD" that allows up to 33 multi-family dwellings per acre. The requested zoning is compatible with the zoning scheme in the area, and will have no adverse impact on other properties.

Zoning Commission Recommendation:

Approval

VOTE

FOR 8

AGAINST 0

ABSTAIN 2

RECUSAL 0

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

SAN ANTONIO WATER SYSTEM
Interdepartment Correspondence Sheet

DEV. SERVICES

2004 FEB -5 P 3:07

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, P.E., Karen Schubert, Planner III, Aquifer Protection & Evaluation Section, File

Subject: Zoning Case Z2003230 (Villages at Stone Oak)

Date: January 29, 2004

SUMMARY

A request for a change in zoning has been made for an approximate 30.56-acre tract located on the city's north side. A change in zoning from **C-2 ERZD** to **R-5 PUD ERZD** is being requested by the owner, Mr. Gordon Hartman. The change in zoning has been requested to allow for the owner to construct a single-family residential subdivision. The property is a Category 1 property.

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 southern side of Stone Oak, west of U.S. Hwy 281. The property lies within the Edwards Aquifer Recharge Zone (Figures 1 and 2).

SITE EVALUATION

1. Development Description:

The proposed change is from C-2 ERZD to R-5 PUD ERZD and will allow for the construction of a Single-family residential development. Currently the property is undeveloped.

2. Surrounding Land Uses:

To the north, Stone Oak Parkway borders the site. Single-family residential homes exist to the west of the property. The remaining property surrounding the site is a preservation area.

3. Geologic Features:

The Resource Protection Division of SAWS 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. Extensive outcrops of the Dolomitic Member and Basal Nodular Member of the Kainer Formation of the Edwards Limestone were observed on the site. Numerous outcrops of vuggy limestone, many exhibiting fractures, were present on the subject property. Solution cavities were also found on the property. Some of these features appear to be sensitive with respect to their ability to transmit water to the subsurface. Additionally, staff reviewed the geologic assessment in the WPAP, prepared by Frost Geosciences and based on our evaluation, staff is in general agreement with the findings of the Geologic Assessment report. The property does not lie within the FEMA 100 year floodplain.

4. Water Pollution Abatement Plan:

The WPAP for The Villages at Stone Oak Subdivision was approved by the TCEQ on December 8, 2003.

ENVIRONMENTAL CONCERNS

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

1. Geologic Concerns:

A. The presence of potentially sensitive geologic features and fracture zone located on the site.

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.

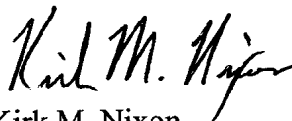
ENVIRONMENTAL RECOMMENDATIONS

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

1. Based on the approved WPAP, the potentially sensitive geologic features will be filled with clean gravel prior to final grading.
2. The Resource Protection Division of the San Antonio Water System will be notified of the construction schedule and will be allowed on the site to observe digging activities at any point during construction.
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. The land uses within the R-5 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 the site.
5. 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).
6. 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.
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.

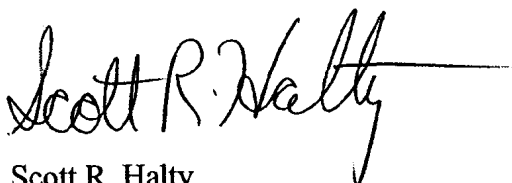
8. Landscaped areas shall be sensitive to minimizing water needs (i.e. use of native plants). The owner/operator of this development and each purchaser or occupant of an individual lot within this development shall be informed in writing about Best Management Practices (BMP) of pesticide and fertilizer 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.
9. 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.
10. 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.



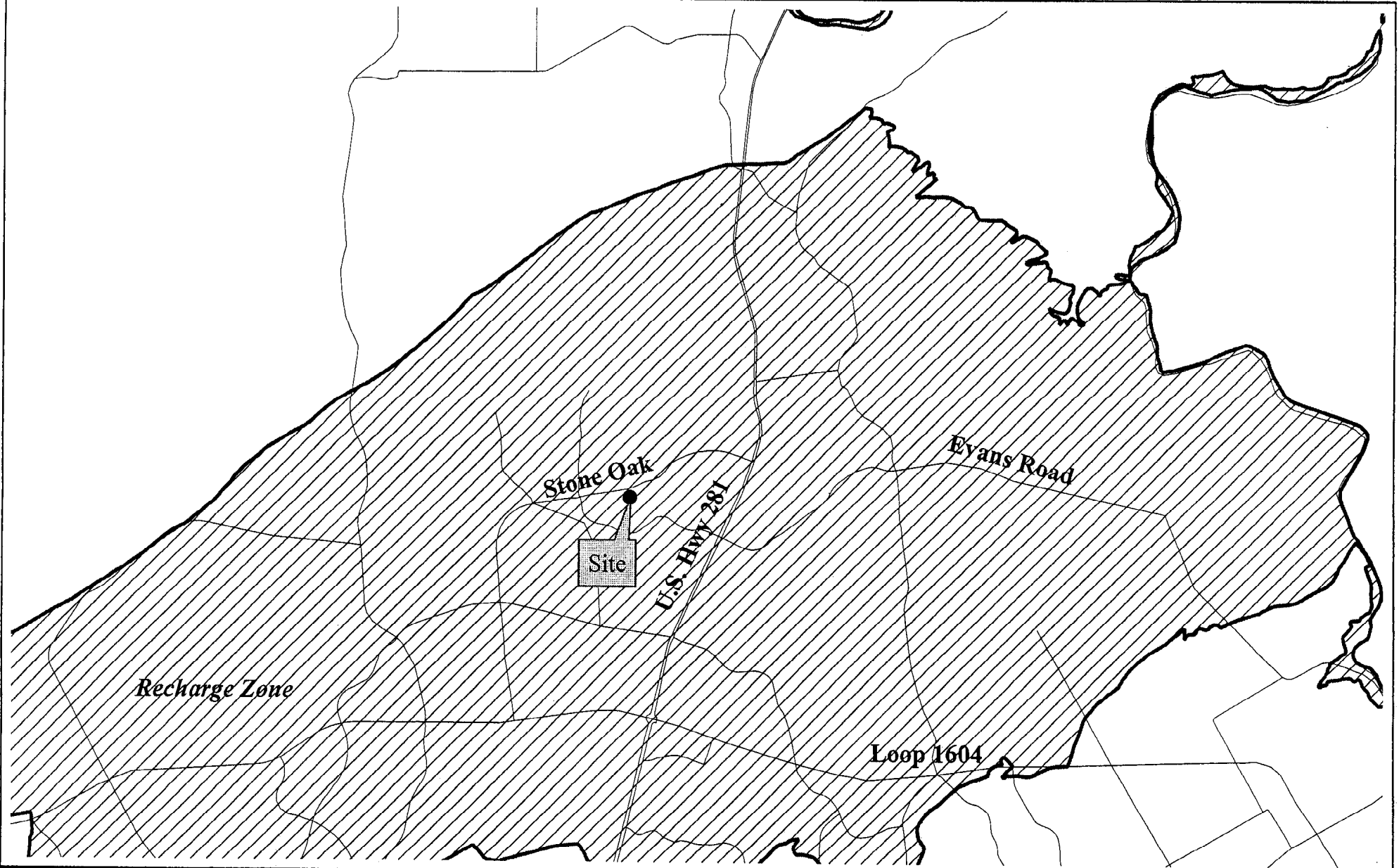
Kirk M. Nixon
Manager
Resource Protection Division

APPROVED:



Scott R. Halty
Director,
Resource Protection & Compliance Department

KMN:KJS



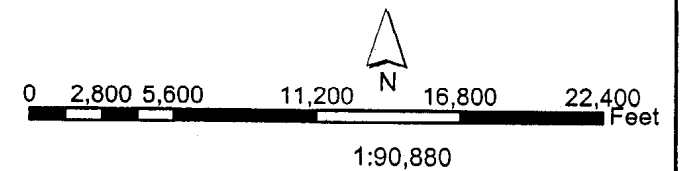
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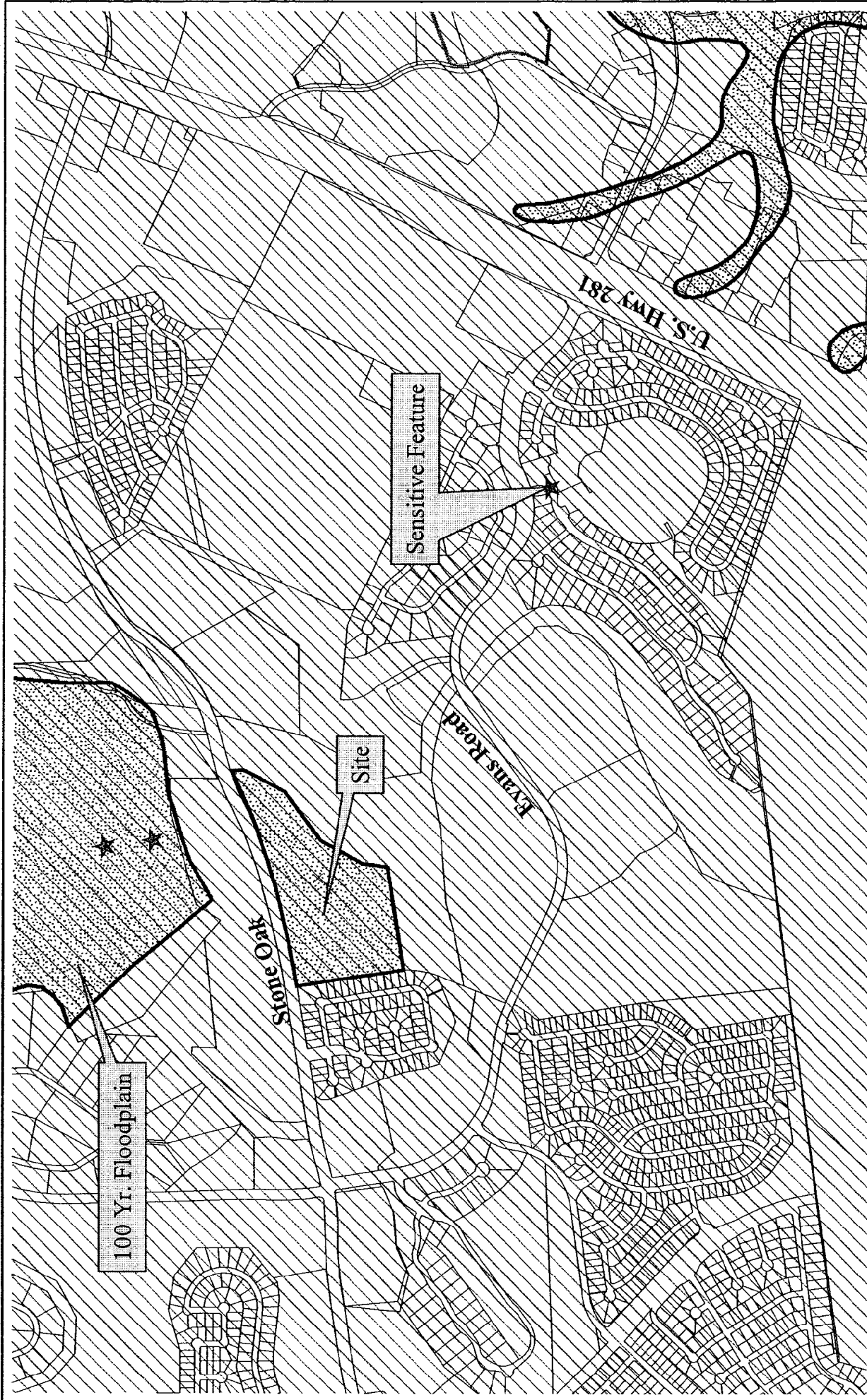
Figure 1

Map Page 483 B5

X= 2136027 Y=13781974

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





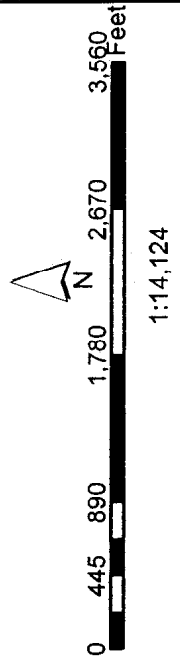
Zoning Case: Z2003230

Figure 2

Map Page 483 B5

X= 2136027 Y=13781974

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



Z2003230

ZONING CASE NO. Z2003230 – March 2, 2004

Applicant: Gordon V. Hartman

Zoning Request: "C-2" ERZD Commercial Edwards Recharge Zone District to PUD "R-5" ERZD Planned Unit Development Residential Single Family District.

Gordon V. Hartman, applicant, stated the purpose of requesting a down zoning is to construct approximately 242 residential units on the subject property. He stated they have agreed to build 2 filtrations basins at the site. He stated this development is also in line with the requirements of the desires of the new Unified Development Code and the City's Master Plan for mixed-use development. He further stated he has been in contact with the neighborhood association to further discuss the development and have agreed to provide a buffer zone from the existing neighborhood and the new development. He also stated they have agreed to provide privacy fence and a 10-foot greenbelt and put it as a maintenance item in the homeowners association. He further stated they have submitted a drainage study to City staff for review.

OPPOSE

Alan Key, 21522 Pearl Spring, stated he does not support this development. He stated there had been a variance document that had already been agreed on without the Homeowners Association input. He stated the variance has the conditions of a 10-foot greenbelt and additional 25-foot setback. He stated he would agree with a "R-6" PUD.

Jerry Shifrin, 21452 Pearl Spring, stated his property abuts the subject property. He expressed concerns with the lot sizes and the height of the proposed homes. He stated he has met with Mr. Hartman to further discuss this development.

Brian Moore, 21430 Pearl Spring, stated he strongly opposes this request. He stated he feel this request is too dense for this area. He further stated he is concerned with the impact this may have on their property values.

REBUTTAL

Gordon V. Hartman, applicant, stated there are approximately 85 residents within the existing neighborhood. He stated they have been in contact with the majority of the residents to present their proposal and address their concerns. He further stated he has address the issue of the lot sizes. The lots that abut the existing neighborhood have been widen the lots to 20 to 25 feet deeper and they would also have a setback restriction on the rear as well as the 10-foot greenbelt. He feels he has been flexible and has address all their concerns.

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Staff stated there were 34 notices mailed out to the surrounding property owners, 12 returned in opposition and 1 returned in favor and Springs at Stone Neighborhood Association is in opposition. Stone Oak Property Owners 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 Peel and seconded by Commissioner Grau to recommend approval

1. Property is located on 30.566 acres out of NCB 19219 at Evans Road and Stone Oak Parkway.
2. There were 34 notices mailed, 12 returned in opposition and 1 in favor.
3. Staff recommends approval.

AYES: Martinez, Grau, Cardenas-Gamez, Dutmer, Dixon, Avila, Stribling, Peel

NAYS: None

ABSTAIN: Kissling, Sherrill

THE MOTION CARRIED

RESULTS OF NOTICE FOR COUNCIL HEARING

To be provided at Council hearing.