

CASE NO: Z2004042

Staff and Zoning Commission Recommendation - City Council

Date: April 08, 2004

Zoning Commission Meeting Date: March 16, 2004

Council District: 9

Ferguson Map: 516 F2

Appeal: No

Applicant:

Kaufman & Associates, Inc.

Owner:

Koontz/McCombs 1, Ltd.

Zoning Request: From "C-3R ERZD" General Commercial Restrictive Alcoholic Sales Edwards Recharge Zone District, and "C-3 ERZD" General Commercial Edwards Recharge Zone District to "MF-25 ERZD" Multi-Family Edwards Recharge Zone District

Lots 6 and 9, Block 1, NCB 17428

Property Location: 219 North Loop 1604 East

North of the intersection of North Loop 1604 East and Afton Oaks Boulevard

Proposal: To construct a residential multi-family housing complex

Neighborhood Association: Stone Oak

Neighborhood Plan: None

TIA Statement: A traffic impact analysis is not required

Staff Recommendation:

Approval. The subject property is undeveloped land that abuts "C-2 ERZD" zoning to the north, "C-3 ERZD" zoning to the west, and "C-3 R-S ERZD" to the east. There is also "C-3 ERZD" zoning across Loop 1604 to the south of subject property. Additional access will be provided through the adjacent property to the east aiding in traffic circulation for the development.

Zoning Commission Recommendation:

Approval

VOTE

FOR 11

AGAINST 0

ABSTAIN 0

RECUSAL 0

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

SAN ANTONIO WATER SYSTEM
Interdepartment Correspondence Sheet

DEV. SERVICES

2004 MAR -8 P 1: 46

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 Z2004042 (Twin Oaks)

Date: February 24, 2004

SUMMARY

A request for a change in zoning has been made for an approximate 22.91-acre tract located on the city's north side. A change in zoning from **C-3R ERZD** and **C-3 ERZD** to **MF-25 ERZD** is being requested by the representative Kaufman & Associates, Inc. on behalf of the owner, Koontz/McCombs 1, Ltd. The change in zoning has been requested to allow for the applicant to develop the property as an apartment complex. **As of the date of this report, an official request for a site specific 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, west of Sigma Road north of Loop 1604. 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 R ERZD and C-3 ERZD to MF - 25 ERZD and will allow for the construction of an apartment complex.

2. Surrounding Land Uses:

An apartment complex is located northwest of the site. The property to the immediate north and west is currently undeveloped. The property to the east and south is commercial offices.

3. Geologic Features:

The Resource Protection Division of the San Antonio Water System conducted an evaluation on February 18, 2004 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. According to the U.S.G.S. Water Resources Investigations Report 95-4030, the Leached and Collapsed Member of the Person Formation underlies the site. This could not be verified by field observation due to coverage by alluvium. Some minor outcropping of bedrock was observed, but field identification was not possible due to heavy weathering of material. Due to the proximity of two significant karst features (Voight Bat cave and Drury Inn Sinkhole) to the site, the potential for discovering extensive lateral caverns during excavation and construction exist. No portion of the site lies within the FEMA 100 year floodplain.

4. Water Pollution Abatement Plan:

A portion of the site is contained within the approved Twin Oaks Office Park Phase 2 WPAP. A WPAP for developing the entire site as an apartment complex will be required to be submitted and approved by the TCEQ prior to the commencement of construction.

ENVIRONMENTAL CONCERNS

The environmental concerns associated with this commercial 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.

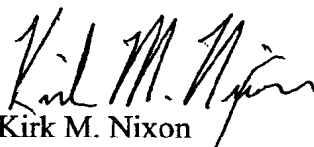
ENVIRONMENTAL RECOMMENDATIONS

The following recommendations address the environmental concerns raised by the construction of this commercial 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 SAWS.
4. The owner/operator shall notify the Resource Compliance Division of SAWS 48 hours prior to the commencement of clearing activities.
5. 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.
6. 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.
7. 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.

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.

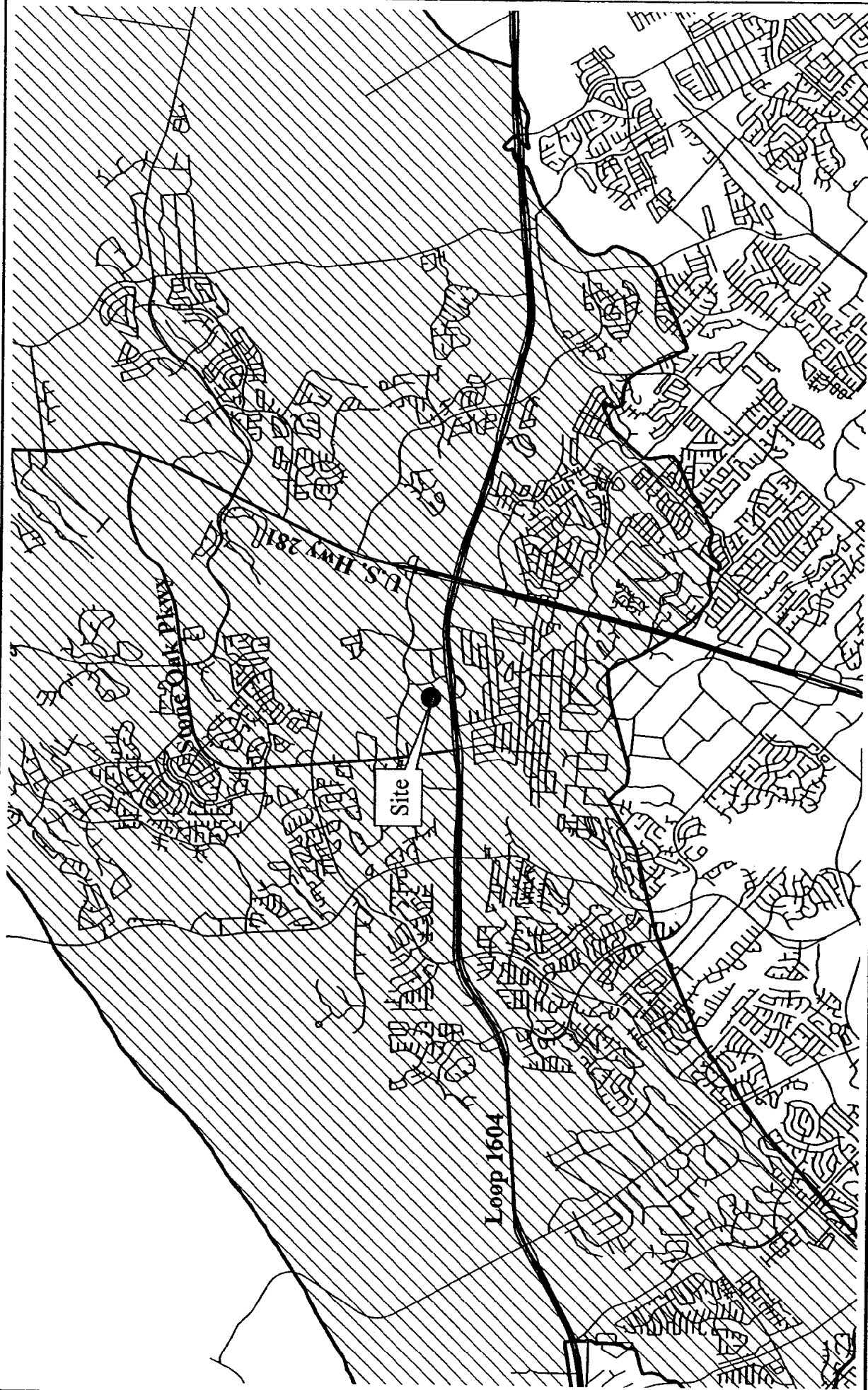
Based on the site evaluation of the property, and the information submitted by the applicant, staff recommends approval provided that the applicant agrees to abide by all recommendations contained in this document.


Kirk M. Nixon
Manager
Resource Protection Division

APPROVED:


Scott R. Halty
Director,
Resource Protection & Compliance Department

KMN:KJS



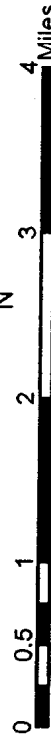
Zoning Case # Z2004042 Figure 1

Twin Oaks

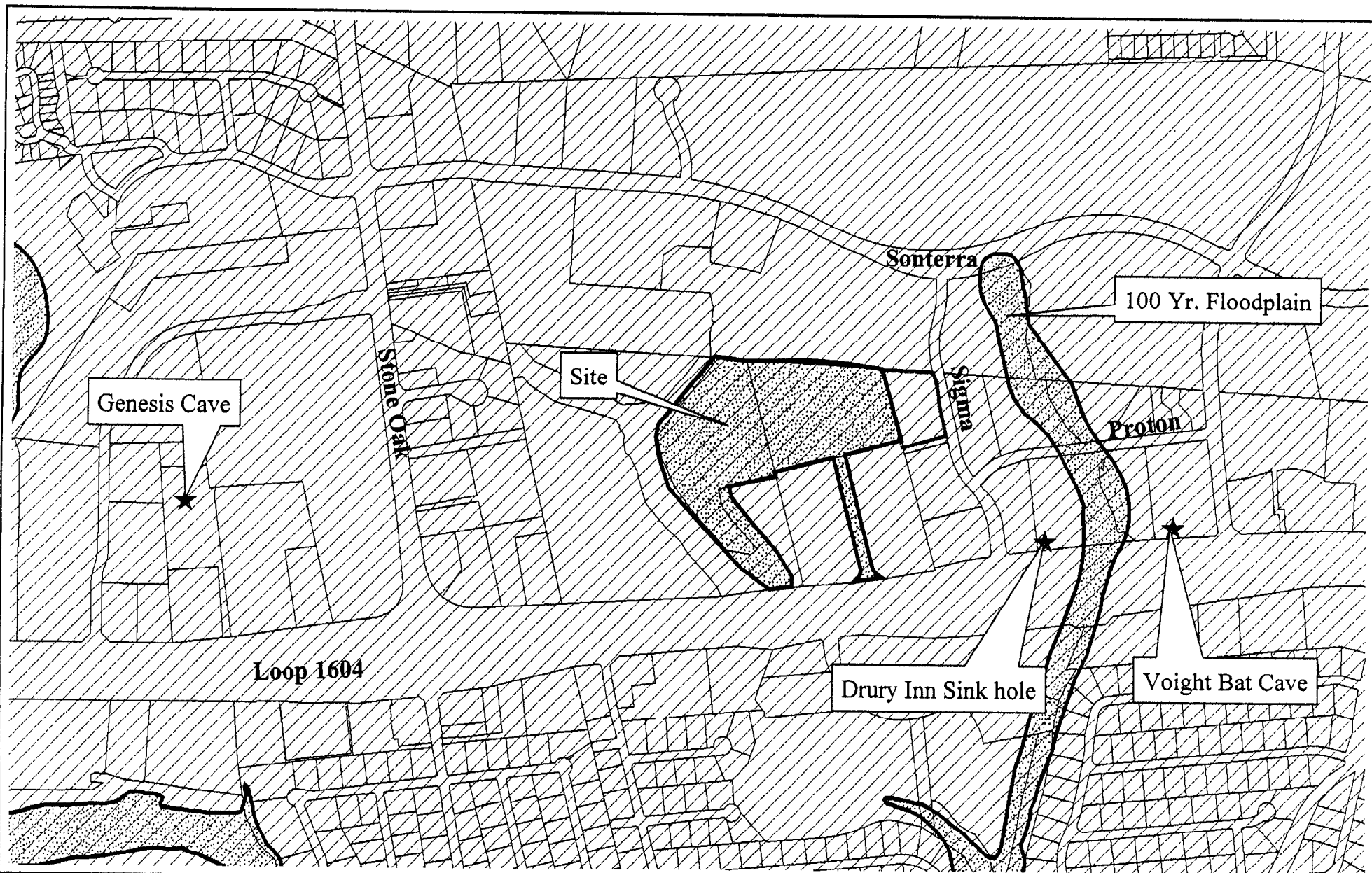
Map Page 516 F2

X= 2131508 Y=13770573

Map prepared by Aquifer Protection & Evaluation KJS 2/20/2004



1:74,297



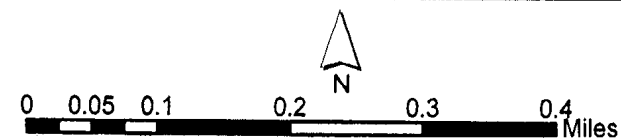
Zoning Case #Z2004042 Figure 2

Twin Oaks

Map Page 516 F2

X= 2131508 Y=13770573

Map prepared by Aquifer Protection & Evaluation KJS 2/20/2004



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ZONING CASE NO. Z2004042 – March 16, 2004

Applicant: Kaufman & Associates, Inc.

Zoning Request: “C-3R” ERZD Commercial Restrictive Alcoholic Sales Edwards Recharge Zone District and “C-3” ERZD Commercial Edwards Recharge Zone District to “MF-25” ERZD Multi Family Edwards Recharge Zone District.

Rob Killen, 100 W. Houston, representing the owner, stated this request would be a down zoning. They are requesting this change in zoning to allow for a high quality apartment complex. He stated the overall density would be less than 16 units per acre on this site. He further stated the uses surrounding the subject property consist of office, commercial and apartment use.

Matt Johnson, 555 E. Ramsey, stated the impervious cover for this site is 40%. He stated they would provide water quality features and retention ponds to be located in these areas. He further stated they have also worked with Debbie Reid, Arborist, on tree preservation. They would be save 40% of the existing trees on the site.

Staff stated there were 12 notices mailed out to the surrounding property owners, 0 returned in opposition and 5 returned in favor and no response from Stone Oak 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 McAden and seconded by Commissioner Grau to recommend approval.

1. Property is located on Lots 6 and 9,m Block 1, NCB 17428 at 219 North Loop 1604 East.
2. There were 12 notices mailed, 0 returned in opposition and 5 in favor.
3. Staff recommends approval.

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

NAYS: None

THE MOTION CARRIED

RESULTS OF NOTICE FOR COUNCIL HEARING

To be provided at Council hearing.