

CASE NO: Z2004049

Staff and Zoning Commission Recommendation - City Council

City Council continuance from May 13, 2004 and May 27, 2004

Date: June 10, 2004

Zoning Commission Meeting Date: April 06, 2004

Council District: 8

Ferguson Map: 513 D8

Appeal: No

Applicant:

Dr. Carmen Garza Levcovitz

Owner:

Dr. Carmen Garza Levcovitz

Zoning Request: From R-6 ERZD Residential Single-Family Edwards Recharge Zone District to C-2 ERZD Commercial Edwards Recharge Zone District

Parcel 9 , Parcel 10 and Parcel 11A, NCB 14615

Property Location: 8122 Hausman Road

Hausman Road East of Loop 1604

Proposal: To construct a medical office complex

Neighborhood Association: None

Neighborhood Plan: None

TIA Statement: A Traffic Impact Analysis is not required

Staff Recommendation:

Approval. The subject property is undeveloped and located east of Loop 1604 on Hausman Road. An undeveloped PUD C-3 Commercial Planned Unit Development exists to the north. Although single-family residential zoning exists west, south and east of the subject property, the southern parcels are owned by the Northside Independent School District and are the proposed site for a new high school. Hausman Road is a major thoroughfare. The subject property is within the 1604/Hausman commercial node, an appropriate location for commercial uses.

Zoning Commission Recommendation:

Approval of C-2 NA ERZD Commercial Nonalcoholic Sales Edwards Recharge Zone District

VOTE

FOR 8

AGAINST 0

ABSTAIN 3

RECUSAL 0

CASE MANAGER : Mona Lisa Faz 207-7945

**SAN ANTONIO WATER SYSTEM
Interdepartment Correspondence Sheet**

DEV. SERVICES

To: Zoning Commission Members

2004 MAR 16 P 1:12

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 Z2004049 (8122 Hausman Rd)

Date: March 16, 2004

SUMMARY

A request for a change in zoning has been made for an approximate 15.79-acre tract located on the city's northwest side. A change in zoning from "R-6 ERZD" to "C-2 ERZD" is being requested by the owner, Dr. Carmen Garza Levcovitz. The change in zoning has been requested to allow for the owner to construct a pediatric doctor's office on approximately one acre of the site.

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 owner, 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 8, at 8122 Hausman Road. The property lies within the Edwards Aquifer Recharge Zone (Figures 1 and 2).

SITE EVALUATION

1. Development Description:

The proposed change is from "R-6 ERZD" to "C-2 ERZD" and will allow for the construction of a doctor's office on approximately one acre of the site. Two abandoned homes and a well house are located on the property. The property is currently being leased to allow for several horses to graze.

2. Surrounding Land Uses:

The properties to the east and north are single-family residences. The property to the east and south is currently undeveloped.

3. Geologic Features:

The Resource Protection Division of the San Antonio Water System conducted an evaluation on February 28, 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 and observed no significant recharge features. Using USGS Water-Resources Investigations Report 95-4030, it appears that the cyclic and marine member of the Person Formation underlie the property. This could not be verified by field observation due to coverage by alluvium. While some outcropping of bedrock was observed on the southern portion of the property, field identification was not possible due to heavy weathering. Two abandoned wells, one hand dug and one conventional, were noted on the site. A clean-out for a septic system was noted at the rear of the western house. A large pit filled with trash and debris was noted immediately behind the eastern most house on the property. Staff was unable to determine the nature of this pit; it could possibly be the result from removing a septic system or a collapsed septic system. Several trash piles with old car batteries were also found on the site. A Geologic Assessment report was submitted to SAWS by Engineering Consulting Services, Ltd. for review. Staff is in general agreement with the findings of the Geologic Assessment report.

4. Point and Non-Point Sources:

Possible pollution to the Edwards Aquifer due to any possible leakage of the abandoned septic system and possible contamination of the Edwards Aquifer via the two abandoned wells on the site.

5. Water Pollution Abatement Plan:

A WPAP will be required to be submitted and approved by the Texas Commission on Environmental Quality prior to the commencement of construction.

ENVIRONMENTAL CONCERNS

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

1. Site Specific Concerns:

A. The improper handling and disposal of medical and/or hazardous waste generated on-site.

- B. Possible pollution of the Edwards Aquifer via the two abandoned wells on the site.
- C. Possible pollution to the Edwards Aquifer due to leakage that may occur in the septic system or systems located on the site.
- D. Possible pollution to the Edwards Aquifer occurring from any leakage of the car batteries found 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.
- E. 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

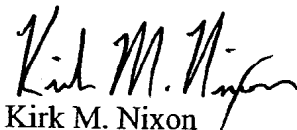
The following recommendations address the environmental concerns raised by the construction of this development on the Edwards Aquifer Recharge Zone:

1. All hazardous and contaminated material and/or waste shall be placed in properly labeled containers and disposed of by a licensed waste hauler. All medical waste shipping documents shall be available for inspection, upon request by the Aquifer Protection and Evaluation Section of SAWS. Incineration on site, of any waste, in any quantity shall be strictly prohibited.
2. The two abandoned wells must be properly plugged according to the City Code Chapter 34 Division 2 Section 574.
3. The septic system on site must be properly abandoned according to local rules and regulations.
4. The trash in the pit found on the site must be properly disposed of and the nature of the pit must be determined. If the pit is indeed an abandoned septic system, it must be properly abandoned according to local rules and regulations. If the pit is determined to be something other than a septic system, the owner must remediate and/or remove any potential hazard, according to all applicable rules and regulations.
5. The car batteries must be properly disposed of prior to construction.
6. 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).

7. 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.
8. 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.
9. 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.
10. 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.
11. 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.
12. 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.
13. 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.

14. 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 owner, staff recommends approval provided that the applicant agrees to abide by all recommendations contained in this document.



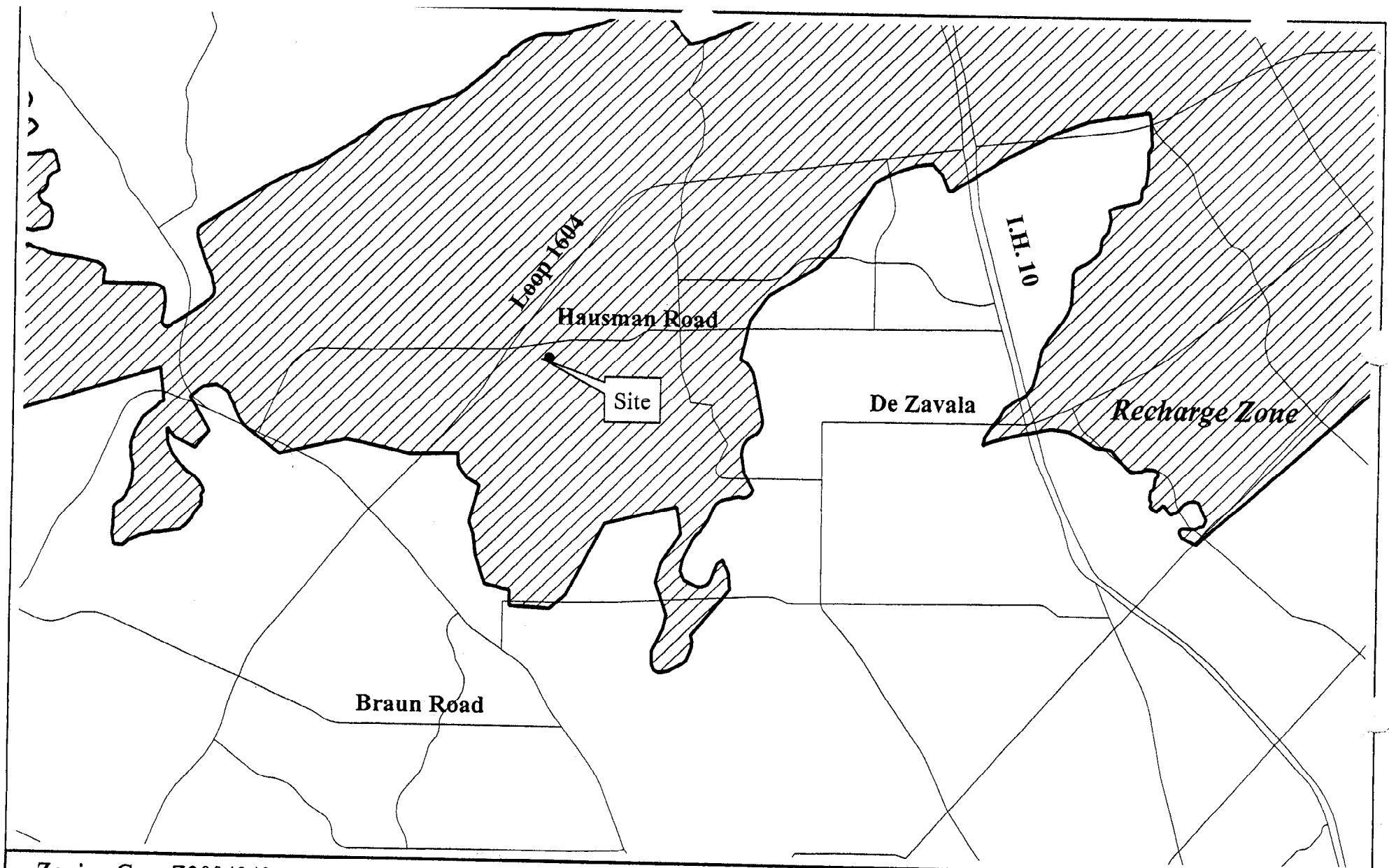
Kirk M. Nixon
Manager
Resource Protection Division

APPROVED:



Scott R. Halty
Director,
Resource Protection & Compliance Department

KMN:KJS



Zoning Case Z2004049

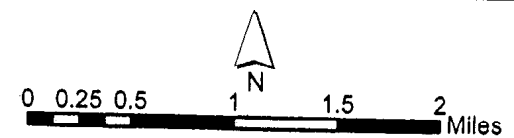
Figure 1

8122 Hausman Road

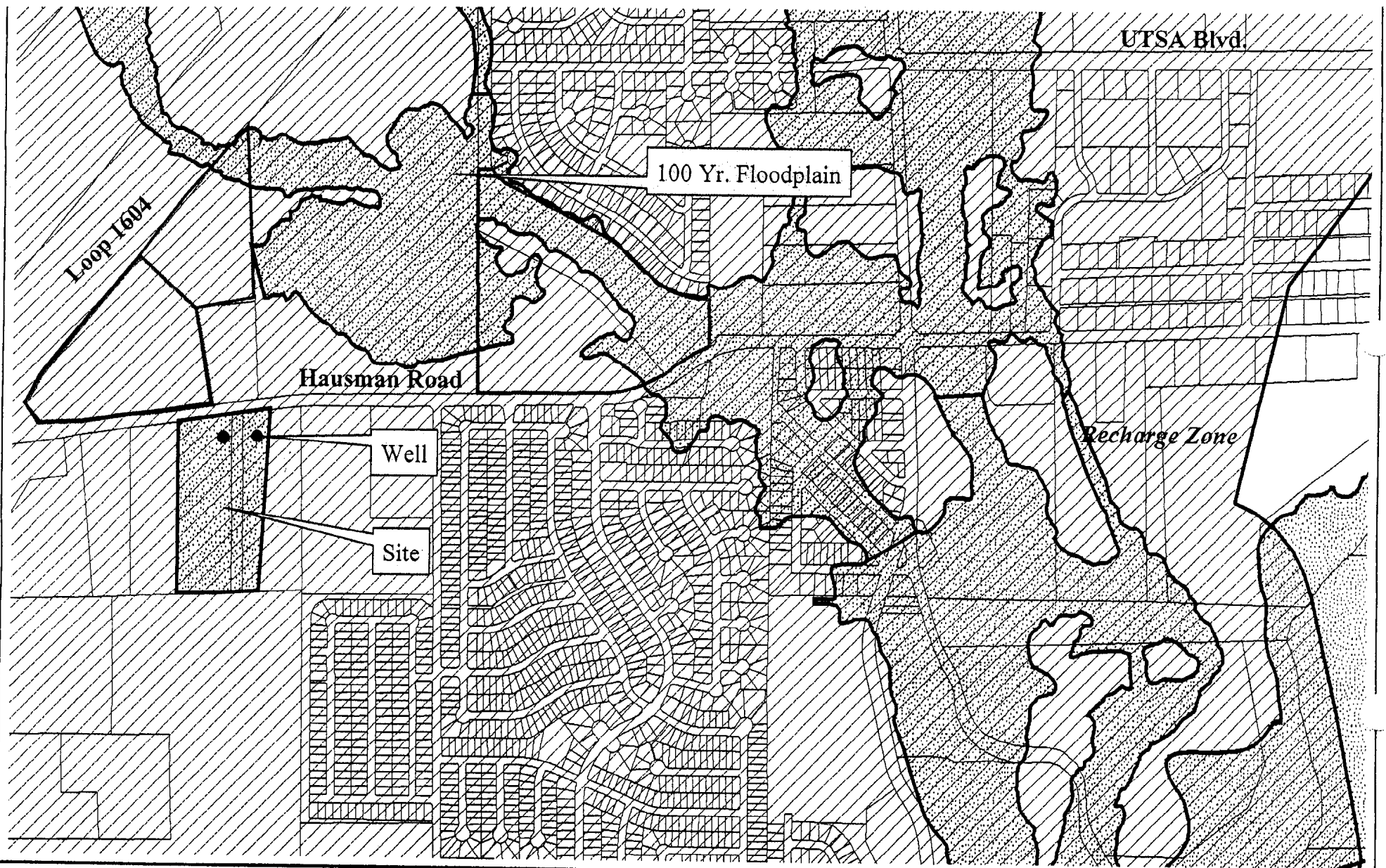
Map Page 513 C8

X= 2081090 Y=13754531

Map prepared by Aquifer Protection & Evaluation KJS 3/3/2004



1:58,713



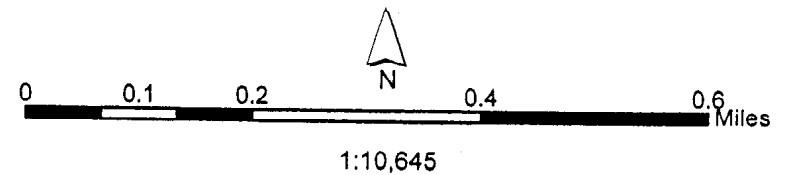
Zoning Case Z2004049 Figure 2

8122 Hausman Road

Map Page 513 C8

X= 2081090 Y=13754531

Map prepared by Aquifer Protection & Evaluation KJS 3/11/2004



1:10,645

Z2004049

ZONING CASE NO. Z2004049 – April 6, 2004

Applicant: Dr. Carmen Garza Levcovitz

Zoning Request: "R-6" ERZD Residential Single Family Edwards Recharge Zone
District to "C-2" ERZD Commercial Edwards Recharge Zone District.

Primo Araujo, 1151 Hedgestone, representing the applicant, stated they intent to develop a pediatric medical building on the subject property. He further stated they have just completed Phase I of this project and have received positive responses.

OPPOSE

Richard Alles, 530 Donaldson, representing Agua Aquifer Guardians In Urban Areas, stated they oppose this request. He stated this development would increase the allowable impervious cover from 30% to 65% on the subject property. He expressed concerns with how this development has the potential to harm the aquifer with contaminated storm water runoff. He stated research done in Bexar County by the US Geological Survey show higher concentrations of contaminates in storm water runoff in Lorence Creek show much higher pesticide levels than in a rural creek. Another study measured higher levels of lead, fecal coliform and other contaminants in runoff from commercial development. He further stated City of San Antonio Master Plan policies clearly delineate the objective of aquifer protection.

George Rice, 414 E. French Place, stated he would like to express the same concerns as Mr. Alles. He stated he supports Dr. Levcovitz request however he feels this development should not be allowed of the Recharge Zone. He feels this would degrade the quality of water.

Loyd Cortez, 150 Amber Valley, stated he strongly opposes this request. He expressed concerns on how this development may have a negative impact on our drinking water. He also expressed concerns with the impervious cover from 30% to 65% on the subject property.

REBUTTAL

Primo Araujo, 1151 Hedgestone, stated they have every intention of following City and SAWS guidelines in building over the Recharge Zone. He further stated City representative as well as SAWS representative would be responsible for make sure they follow the process.

Staff stated there were 8 notices mailed out to the surrounding property owners, 0 returned in opposition and 3 returned in favor.

Z2004049

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 Stribling and seconded by Commissioner Grau to recommend approval with an "NA" designation.

1. Property is located on P-9, P-10 and P-11A, NCB 14615 at 8122 Hausman Road.
2. There were 8 notices mailed, 0 returned in opposition and 3 in favor.
3. Staff recommends approval.

AYES: Martinez, Grau, Kissling, Dixon, McAden, Avila, Stribling, Peel

NAYS: None

ABSTAIN: Cardenas-Gamez, Dutmer, Sherrill

THE MOTION CARRIED

RESULTS OF COUNCIL HEARING May 13, 2004

City Council granted a continuance until May 27, 2004

RESULTS OF COUNCIL HEARING May 27, 2004

City Council granted a continuance until June 10, 2004

RESULTS OF NOTICE FOR COUNCIL HEARING

To be provided at Council hearing.