



# CASE NO: Z2004105

## Staff and Zoning Commission Recommendation - City Council

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Date: June 10, 2004

Zoning Commission Meeting Date: May 18, 2004

Council District: 8

Ferguson Map: 514 E7

Appeal: No

Applicant:

Bilmar Construction, LP

Owner:

Bilmar Construction, LP

**Zoning Request:** From MF-33 ERZD Multi-Family Edwards Recharge Zone District to PUD R-4 ERZD Planned Unit Development Residential Single-Family Edwards Recharge Zone District

Lot 1, Block 1, NCB 17401

**Property Location:** 14000 block of Vance Jackson Road

Eastside of Vance Jackson Road at Beckwith Boulevard

**Proposal:** Single-family subdivision

**Neighborhood** None

**Association:**

**Neighborhood Plan:** None

**TIA Statement:** A traffic impact analysis is not required

### Staff Recommendation:

Approval. The subject property is undeveloped and is adjacent to R-6 ERZD Residential Single-Family Edwards Recharge Zone District to the east, R-4 ERZD PUD Residential Single-Family Edwards Recharge Zone Planned Unit Development District to the south and MF-33 ERZD Multi-Family Edwards Recharge Zone District to the north. The PUD R-4 ERZD zoning is a reduction in the amount of single-family dwelling per acre. (MF-33 Multi-Family District maximum density 33 units per acre) (R-4 Residential Single-Family District maximum density 11 units per acre). The R-4 ERZD PUD zoning will allow the single-family development while preserving the character of the neighborhood.

### Zoning Commission Recommendation:

Approval

#### VOTE

FOR 9

AGAINST 0

ABSTAIN 1

RECUSAL 0

CASE MANAGER : Pedro Vega 207-7980

**SAN ANTONIO WATER SYSTEM**  
**Interdepartment Correspondence Sheet**

2004 MAY -4 P 1:25

**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, Resource Protection Specialist II, Aquifer Protection & Evaluation Section, File

**Subject:** Zoning Case Z2004105 (4.3 acres on Vance Jackson)

**Date:** May 4, 2004**SUMMARY**

A request for a change in zoning has been made for an approximate 4.3-acre tract located on the city's northwest side. A change in zoning from "MF-33 ERZD" to "R-4 PUD ERZD" is being requested by the owner, represented by Roy Rosin of Rosin-Johnson, Inc. The change in zoning has been requested to allow for the owner to market the property based upon a PUD plan for a residential subdivision with approximately 30 lots. The property is classified as 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 8, along Vance Jackson, north of Beckwith. The property lies within the Edwards Aquifer Recharge Zone (Figures 1 and 2).

**SITE EVALUATION****1. Development Description:**

The property is being rezoned to allow the owner to market the property based upon a PUD plan. The development will consist of approximately 30 residential lots with a minimum of 4,000 square feet each.

**2. Surrounding Land Uses:**

An existing residential subdivision is located south and east of the property. Ed Rawlinson Middle School is immediately north of the site. The property west of the site is currently undeveloped.

3. Geologic Features:

The Resource Protection Division of the San Antonio Water System conducted an evaluation on April 21, 2004 of the referenced property to assess the geologic conditions and evaluate any environmental concerns present at the site. SAWS staff Geologist, Mr. Gregory James, P.G., was present during the site investigation and observed no significant recharge feature, although Edwards outcropping was visually apparent. It appears that the property was previously a single-family residential lot. Several trash and debris piles were located on the site. Several closed depressions were observed, but appeared to be a result of tree removal and settling of fill material. An abandoned well was located on the site along with what appears to be a collapsed septic system. Using the U.S. Geological Survey Water-Resources Investigations Report 95-4030, it was determined that the Cyclic and Marine Members of the Edwards Aquifer underlie the subject site. According to FEMA flood insurance maps, no part of the site lies within the 100 year floodplain.

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 (TCEQ). A WPAP will be required to be submitted and approved by TCEQ prior to 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 potential for pollutants to enter the Edwards Aquifer via the abandoned well.
- B. Possible pollution to the Edwards Aquifer due to leakage that may occur in the suspected collapsed septic system 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

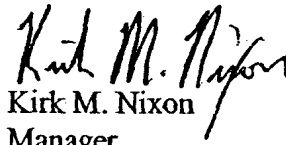
The following recommendations address the environmental concerns raised by the construction of this development on the Edwards Aquifer Recharge Zone:

1. The abandoned well must be properly plugged according to the City Code Chapter 34 Division 2 Section 574.
2. Any septic system located on the site must be properly abandoned according to local rules and regulations.
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 rezoned 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 over the counter 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. 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.

Zoning Commission Members  
Z2004105 (4.3 acres on Vance Jackson)  
Page 4

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 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.

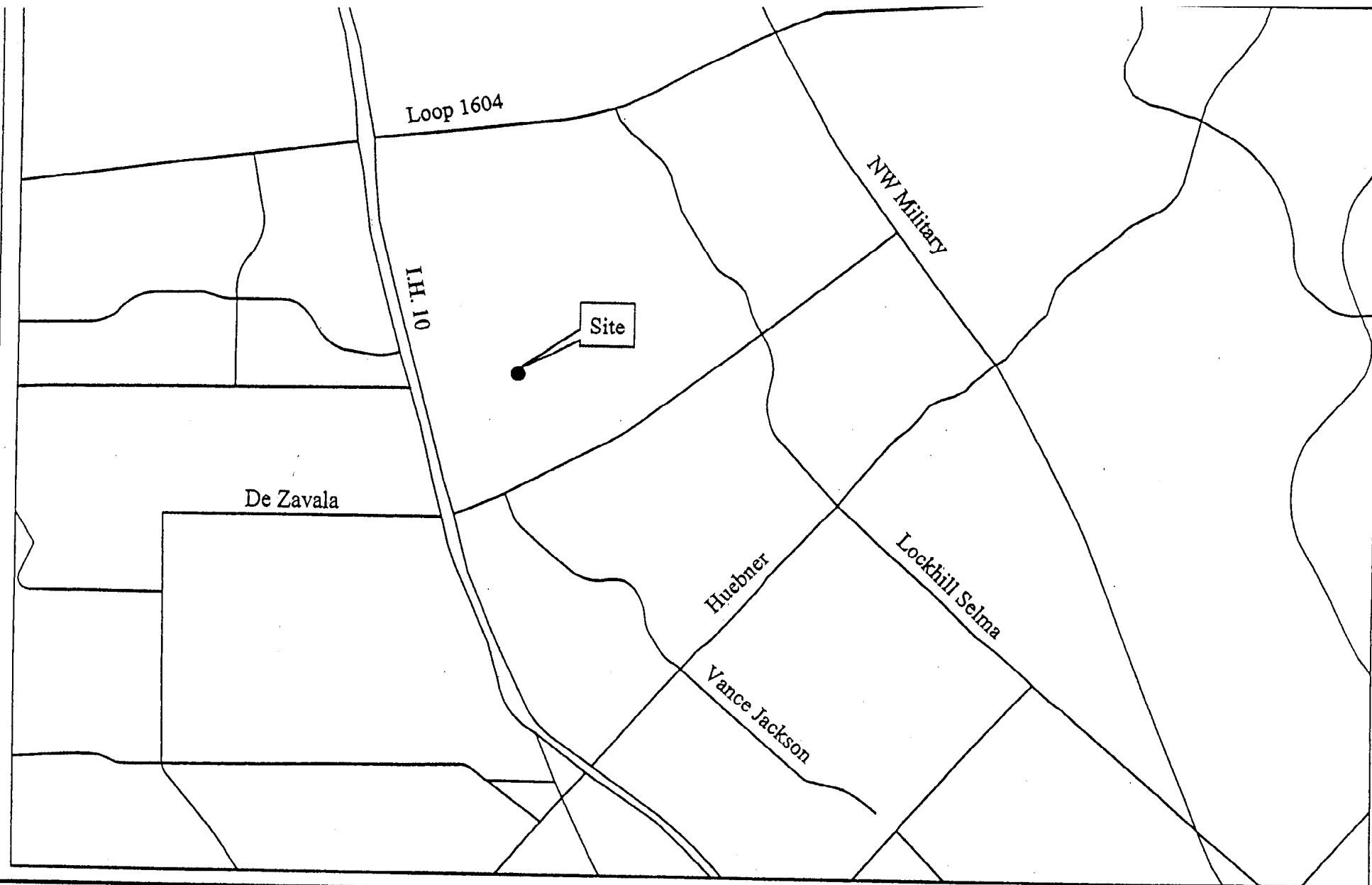
  
Kirk M. Nixon  
Manager  
Resource Protection Division

APPROVED:



Scott R. Halty  
Director,  
Resource Protection & Compliance Department

KMN:KJS



**Zoning Case Z2004105**

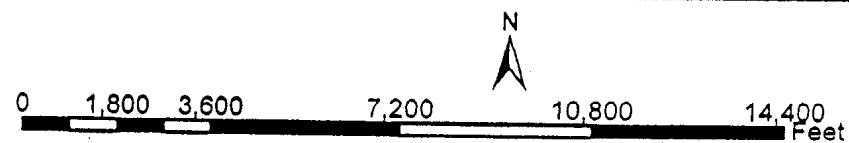
**Figure 1**

4.3 Acres on Vance Jackson

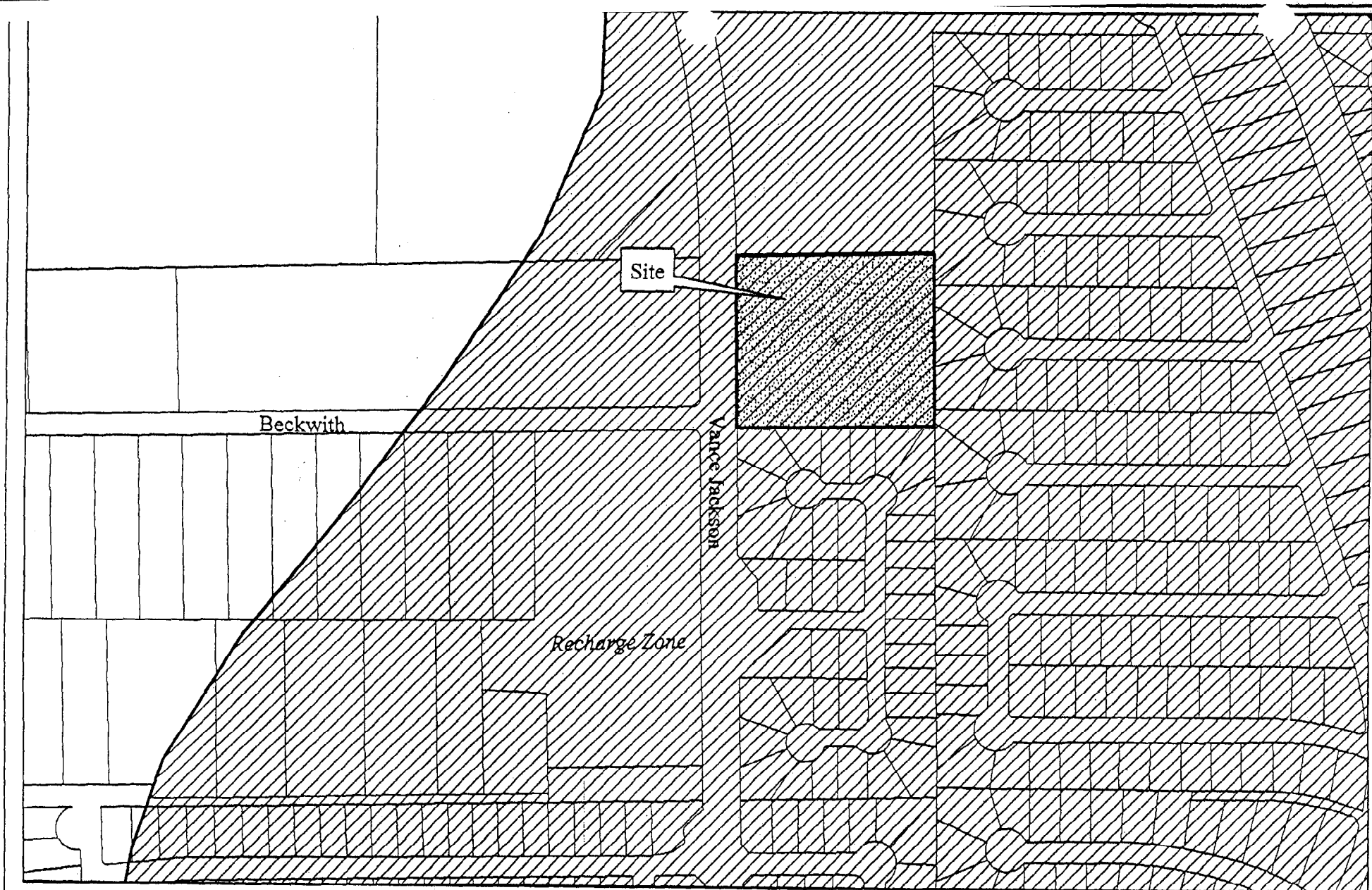
Map Page 514 E7

X = 2100428 Y=13756323

Map Prepared by Aquifer Protection and Evaluation KJS 4/22/2004



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**Zoning Case Z2004105**

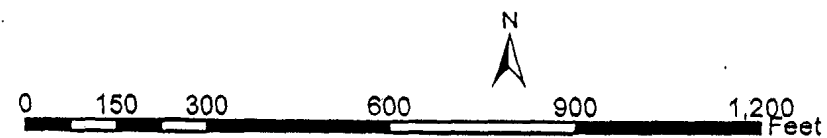
**Figure 2**

4.3 Acres on Vance Jackson

Map Page 514 E7

X = 2100428 Y=13756323

Map Prepared by Aquifer Protection and Evaluation KJS 4/22/2004



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**Z2004105**

**ZONING CASE NO. Z2004105** – May 18, 2004

Applicant: Bilmar Construction, LP

Zoning Request: "MF-33" ERZD Multi-Family Edwards Recharge Zone District to "R-4" ERZD PUD Residential Single Family Edwards Recharge Zone Planned Unit Development District.

Roy Rosin, 11925 Starcrest, representing the applicant, stated this zoning request would decrease the density. He stated their intent is to develop single-family housing on the subject property. He further stated they are in the process of Water Pollution Abatement Plan and a Sewer Collection Study to the SAWS representatives.

Staff stated there were 33 notices mailed out to the surrounding property owners, 0 returned in opposition and 6 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 Stribling and seconded by Commissioner Grau to recommend approval.

1. Property is located on Lot 1, Block 1, NCB 17401 at 14000 Block of Vance Jackson Road.
2. There were 33 notices mailed, 0 returned in opposition and 6 in favor.
3. Staff recommends approval.

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

**NAYS: None**

**ABSTAIN: Dutmer**

**THE MOTION CARRIED**

**RESULTS OF NOTICE FOR COUNCIL HEARING**

To be provided at Council hearing.