

ZONING CASE: Z2004-167

City Council District NO. 8
 Requested Zoning Change
 From: "C-3 ERZD" To "MF-25 ERZD"
 Date: August 26, 2004
 Scale: 1" = 300'

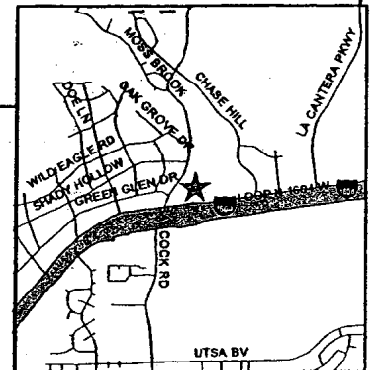
Subject Property

200' Notification

F-5
 P.513



C:\Aug_3_2004
 (A.Z.)



CASE NO: Z2004167

Staff and Zoning Commission Recommendation - City Council

Date: August 26, 2004

Zoning Commission Meeting Date: August 03, 2004

Council District: 8

Ferguson Map: 513 F5

Appeal: No

Applicant:

Ken Brown, Inc.

Owner:

Educational Development Company of America, L. L. C.

Zoning Request: From C-3 ERZD Commercial Edwards Recharge Zone District to MF-25 ERZD Multi Family Edwards Recharge Zone District

P-200B, NCB 14859

Property Location: 15502 Babcock Road

Babcock Road at Shady Hollow Lane

Proposal: To construct apartment style housing

Neighborhood Association: Hills and Dales Neighborhood Association

Neighborhood Plan: None

TIA Statement: A Traffic Impact Analysis was required and has been reviewed by the City of San Antonio.

Staff Recommendation:

Approval. The proposal is a downzoning from the existing C-3 zoning. Apartments at this location will provide additional student housing in this area.

Zoning Commission Recommendation:

Approval

CASE MANAGER : Fred Kaiser 207-7942

VOTE

FOR 9

AGAINST 0

ABSTAIN 0

RECUSAL 2

SAN ANTONIO WATER SYSTEM
Interdepartment Correspondence Sheet

P.W. SERVICES

2004 JUL 23 A 11:08

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 Z2004167 (15502 Babcock Road)

Date: July 18, 2004

SUMMARY

A request for a change in zoning has been made for an approximate 16.07-acre tract located on the city's northwest side. A change in zoning from "C-3 ERZD" to "MF-25 ERZD" is being requested by the owner, represented by Ken Brown. The change in zoning has been requested to allow for the owner to develop the property into a multifamily community.

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 8, at 15502 Babcock 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-25 ERZD and will allow for the construction of an apartment complex

2. Surrounding Land Uses:

An existing apartment complex is located to the east of the site. A Bill Miller's Restaurant and a McDonalds Restaurant are located to the southeast. Chase Hill Elementary School is located to the north and a single-family residential subdivision is located to the east, across Babcock Road.

3. Geologic Features:

The Resource Protection Division of the San Antonio Water System conducted an evaluation on July 2, 2004 of the referenced property to assess the geologic conditions and evaluate any environmental concerns present at the site. SAWS Senior Hydrogeologist, Mr. John Waugh, P.G., was present during the site evaluation and observed no significant recharge features, although Edwards outcropping was visually apparent. Using the U.S. Geological Survey Water-Resources Investigations Report 95-4030 it was determined that the majority of the subject site is underlain by the Cyclic and Marine Member of the Edwards Aquifer, with a small portion of the southeast corner underlain by the Dolomitic Member. The juxtaposition of these two members within the subject site infers a fault separating them in the southeast corner of the site. This inferred fault is recorded on the U.S.G.S. hydrogeologic map of Bexar County. The property is bounded on the east by an intermittent streambed, and extends slightly into the 100-year floodplain, as mapped (figure 2). Exposed Edwards and Associated limestone was found in the floodplain along this eastern portion of site. The site topography is reasonably flat, primarily a cleared site, with scattered clumps of heavy vegetation in the western and northwestern portions of the property. No evidence of significant recharge features were noted on the site.

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 to and approved by the TCEQ 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. Geologic Concerns:

- A. A portion of the property lies within the floodplain, and the potential addition of sediment load flowing into the floodplain due to the increase of impervious cover on the subject 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

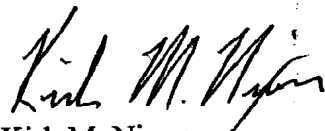
The following recommendations address the environmental concerns raised by the construction of this development on the Edwards Aquifer Recharge Zone:

1. The applicant shall notify the Construction Compliance Section of the Resource Compliance Division of SAWS at (210) 704-1158 no later than 48 hours prior to the commencement of construction at the site.
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. The land uses within the MF-25 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. This is to include any chemicals used for swimming pool maintenance. Failure to comply with the label warnings may constitute a violation of Federal law.
8. If a water quality basin is constructed on the property, the following is required:
 - A. Prior to the start of the basin construction, the owner will notify the Aquifer Protection and Evaluation Section of the San Antonio Water System at (210) 704-7305 to schedule a site inspection.
 - B. After basin construction is complete and prior to the start of business, the owner will notify the SAWS Aquifer Protection and Evaluation Section at (210) 704-7305 to schedule a site inspection. Additionally, we recommend a maintenance plan and schedule be developed and submitted to SAWS Aquifer Protection and Evaluation Section.
 - C. If the basin fails to drain properly, the owner will notify the Construction Section of the Resource Compliance Division at (210) 704-1158 prior to any discharge of water.
 - D. If at any time the ownership of the property changes, the seller must inform the buyer of all requirements for maintenance of the Basin. A signed basin maintenance plan and schedule agreement, from the new owner, must be submitted to the Resource Protection Division of SAWS.
9. 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.

10. 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.
11. 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.



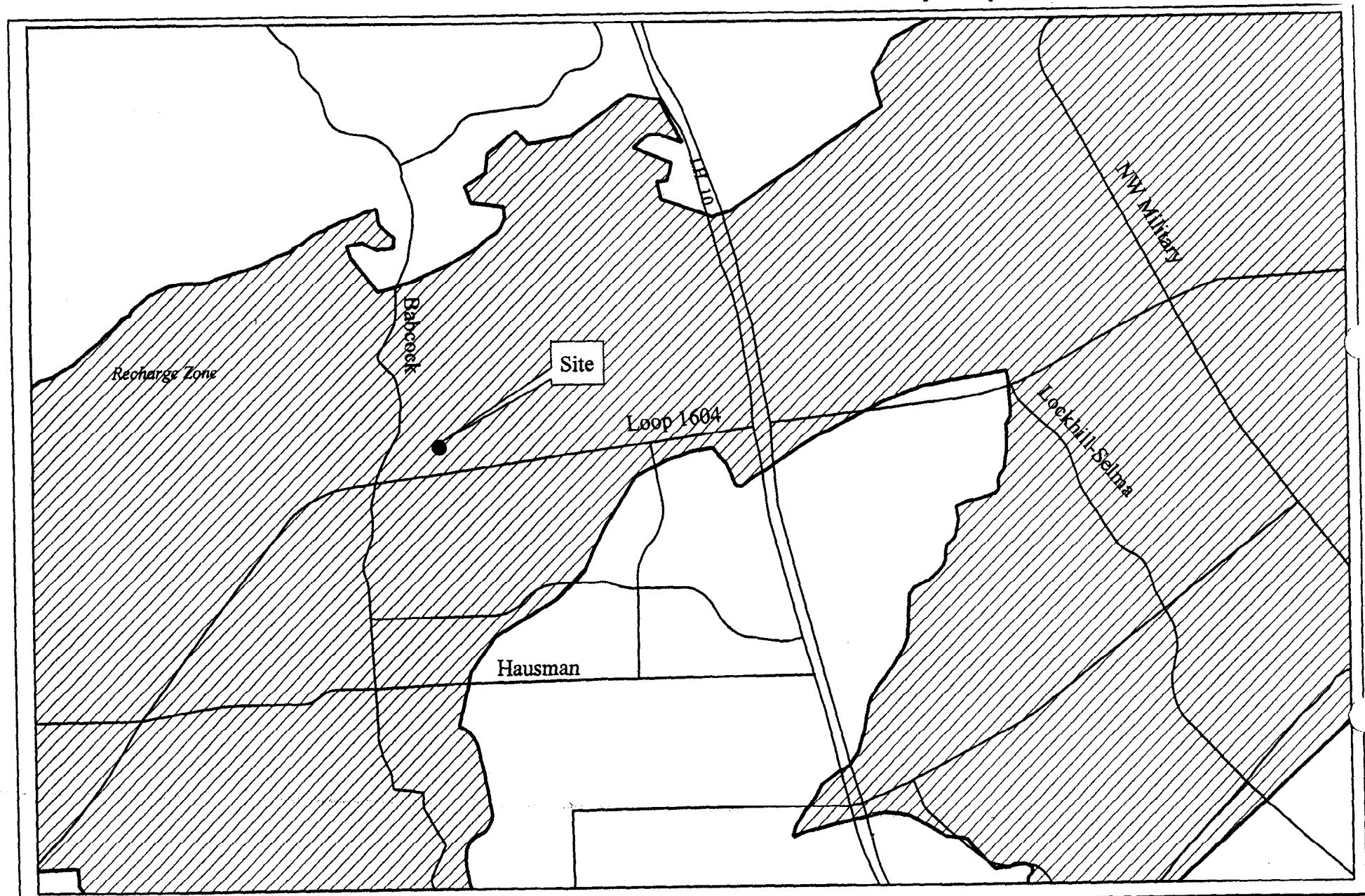
Kirk M. Nixon
Manager
Resource Protection Division

APPROVED:



Scott R. Halty
Director,
Resource Protection & Compliance Department

KMN:KJS



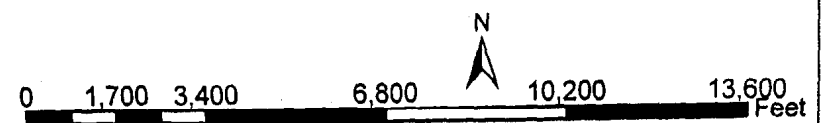
Zoning Case Z2004167 Figure 1

16.07 Acre Tract

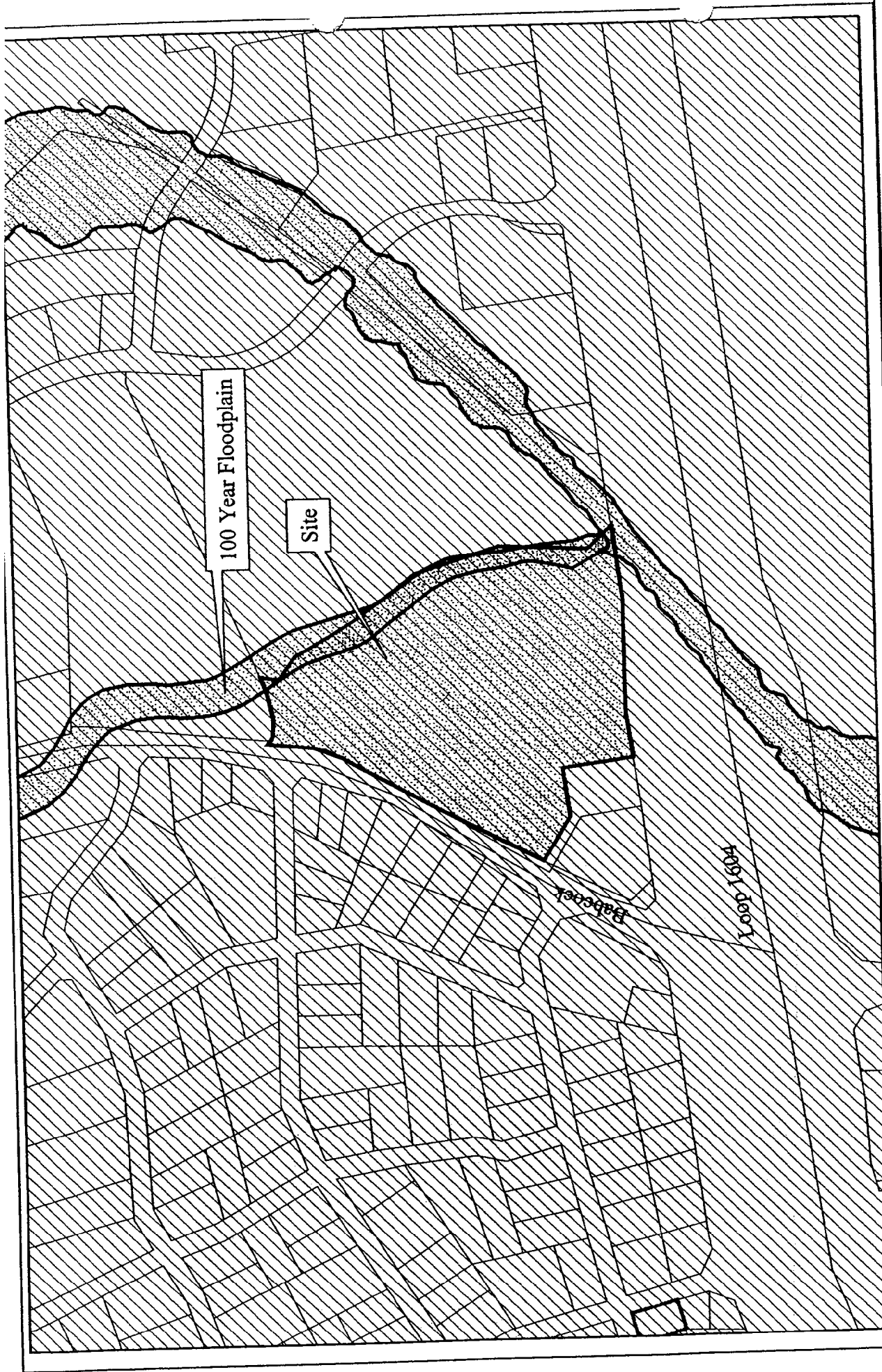
Map Page 513 F5

X = 2087343 Y=13762220

Map Prepared by Aquifer Protection and Evaluation KJS 6/28/2004



1:43,093



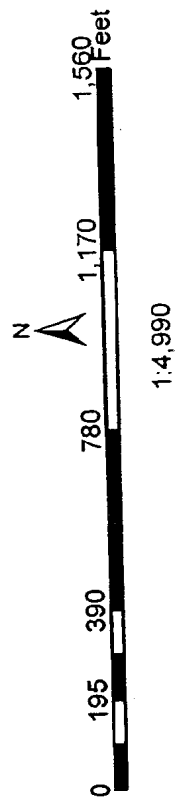
Zoning Case Z2004167 Figure 2

16.07 Acre Tract

Map Page 513 F5

X = 2087343 Y=13762220

Map Prepared by Aquifer Protection and Evaluation KJS 6/28/2004



Z2004167

ZONING CASE NO. Z2004167 – August 3, 2004

Applicant: Ken Brown, Inc.

Zoning Request: "C-3" ERZD Commercial Edwards Recharge Zone District to "MF-25" ERZD Multi Family Edwards Recharge Zone District.

Ken Brown, 112 E. Pecan, representing the owner, stated the purpose of this request is to develop 216 unit apartment style housing for student housing on the subject property. He stated this complex would be gated and they would provide all the amenities.

Jim Harnish, 7530 Shady Hollow, member of Hills and Dale Neighborhood Association, stated they did not receive notification of this proposed development. He stated they are neither in opposition nor in support however he would like express concerns with the flooding issues that occur in this area.

REBUTTAL

Ken Brown, 112 E. Pecan, representing the owner, stated he did hold a neighborhood meeting on Saturday, July 31st. He stated they discussed the usage of the middle of the tract as a low point for detention and water quality. He stated they would also be conducting a TIA (Traffic Impact Analysis) on the property.

Staff stated there were 22 notices mailed out to the surrounding property owners, 1 returned in opposition and 0 returned in favor and no response from Hills and Dale 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 Stribling and seconded by Commissioner McAden to recommend approval.

1. Property is located on P-200B, NCB 14859 at 15502 Babcock Road.
2. There were 22 notices mailed, 1 returned in opposition and 0 in favor.
3. Staff recommends approval.

Z2004167

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

NAYS: None

RECUSED: Grau, Dutmer

THE MOTION CARRIED

RESULTS OF NOTICE FOR COUNCIL HEARING

To be provided at Council hearing.