

# CASE NO: Z2004099

## Staff and Zoning Commission Recommendation - City Council

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**Date:** August 26, 2004

**Zoning Commission Meeting Date:** May 04, 2004

**Council District:** 8

**Ferguson Map:** 513 E7

**Appeal:** No

**Applicant:**

Royal Properties

**Owner:**

Roy Barrera

**Zoning Request:** From C-3 ERZD General Commercial Edwards Recharge Zone District to MF-33 ERZD Multi-Family Edwards Recharge Zone District

4.455 acres out of NCB 14865

**Property Location:** The west side of Babcock Road approximately 215 feet north of West Hausman Road

**Proposal:** To allow for multi-family dwellings

**Neighborhood Association:** College Park Neighborhood Association

**Neighborhood Plan:** None

**TIA Statement:** A Traffic Impact Analysis is not required.

**Staff Recommendation:**

Approval. Proposal will reduce the amount of C-3 zoning at this location. Multi-family zoning will provide a transition from C-3 at the intersection. Multi-family at this location can provide convenient housing for UTSA students and faculty.

**Zoning Commission Recommendation:**

Approval

**VOTE**

**FOR** 7

**AGAINST** 0

**ABSTAIN** 0

**RECUSAL** 0

**CASE MANAGER :** Fred Kaiser 207-7942

2004 APR 27 A 10:56

**SAN ANTONIO WATER SYSTEM  
Interdepartment Correspondence Sheet**

**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 Z2004099 (13723 Babcock)

**Date:** April 27, 2004

**SUMMARY**

A request for a change in zoning has been made for an approximate 4.45-acre tract located on the city's northwest side. A change in zoning from "C-3 ERZD" to "MF-33 ERZD" is being requested by the applicant Mr. Ken Brown on behalf of the owner. The change in zoning has been requested to allow for the owner to develop the site into a multifamily community.

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 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 13723 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-33 ERZD and will allow for the construction of multifamily dwellings. The property is currently undeveloped and being utilized for grazing.

### **2. Surrounding Land Uses:**

The properties surrounding the site are undeveloped.

### **3. Geologic Investigation:**

The Resource Protection Division of SAWS conducted an evaluation on April 12, 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 evaluation. An old shed and an empty water tank was found on the property. No water well or septic tank was found to exist on the property. Using U.S. Geological Survey Water-Resources Investigations Report 95-4030 it was determined that the subject site was underlain by the Cyclic and Marine Members of the Edwards Aquifer. This could not be confirmed during the site visit due to coverage by alluvium. Small amounts of float rock were observed on the property but no identification was possible due to heavy weathering of the rock and the small amount of material present. A portion of the western edge of the property is within the 100-year flood plain. Staff walked the creek and noted no significant recharge features. No potential recharge features were discovered on the site.

### **4. Water Pollution Abatement Plan (WPAP):**

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. 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

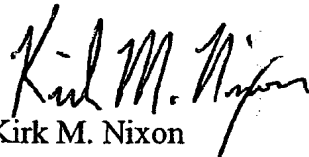
The following recommendations address the environmental concerns raised by the construction of this development on the Edwards Aquifer Recharge Zone:

1. 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 SAWS.
4. The land uses within the MF-33 zoned area 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.

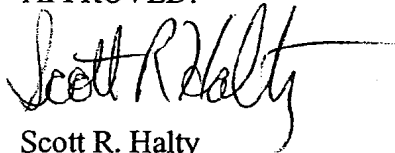
6. The storage, handling, use and disposal of all hazardous materials within this development shall be consistent with the labeling of those materials. This is to include any chemicals stored on site for swimming pool maintenance. Failure to comply with the label warnings may constitute a violation of Federal law.
7. 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.
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.

Zoning Commission Members  
Z2004099 (13723 Babcock Road)  
Page 5

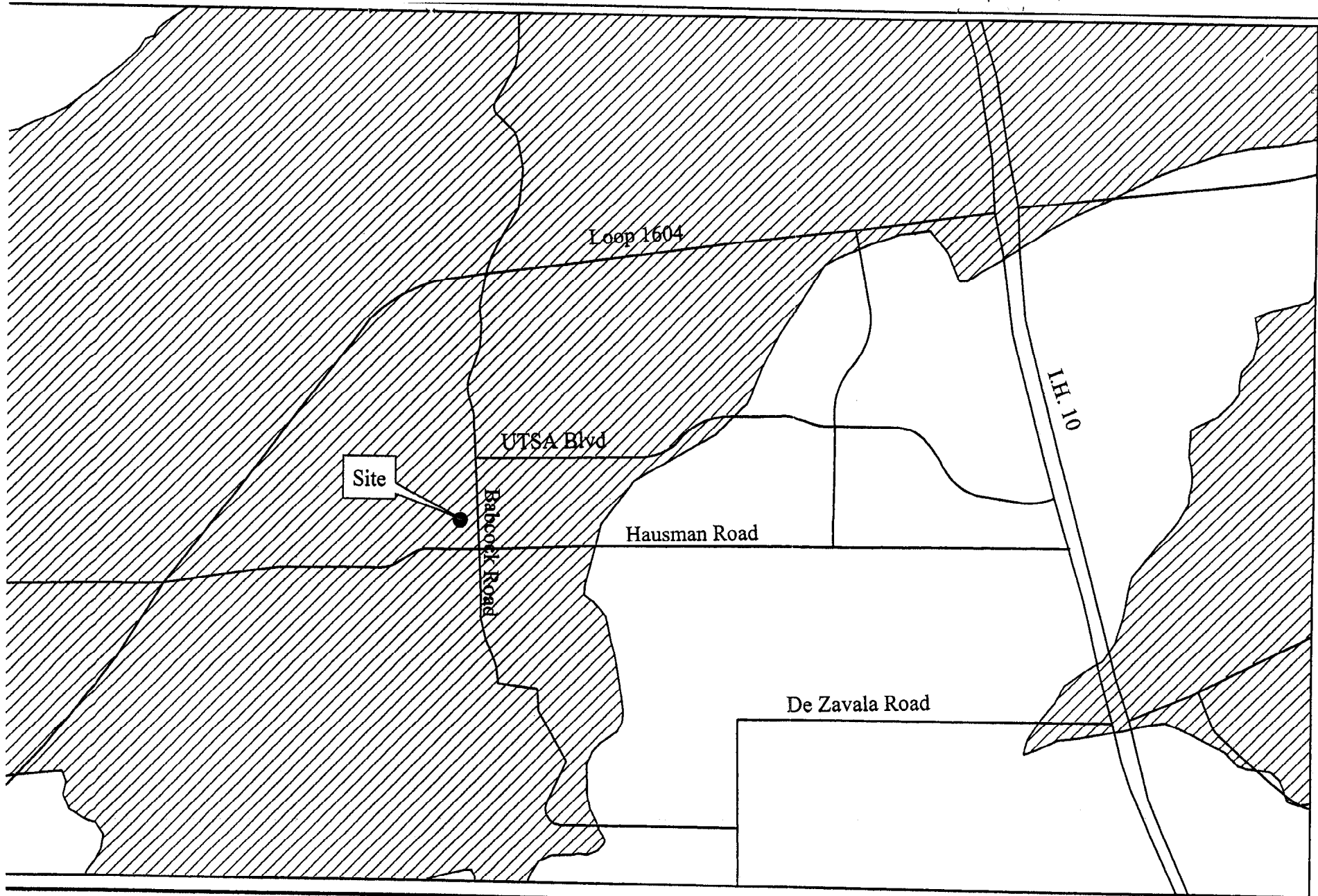
Based on the site evaluation of the property, and the information submitted by the applicant, staff recommends approval provided that the applicant agrees to abide by all recommendations contained in this document.

  
Kirk M. Nixon  
Manager  
Resource Protection Division

APPROVED:

  
Scott R. Halty  
Director,  
Resource Protection & Compliance Department

KMN:KJS



oning Case Z2004099

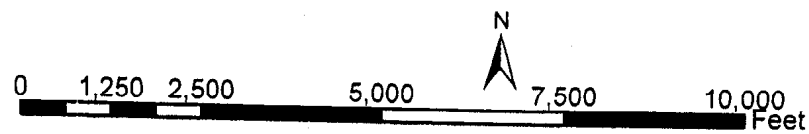
Figure 1

3723 Babcock

lap Page 513 E7

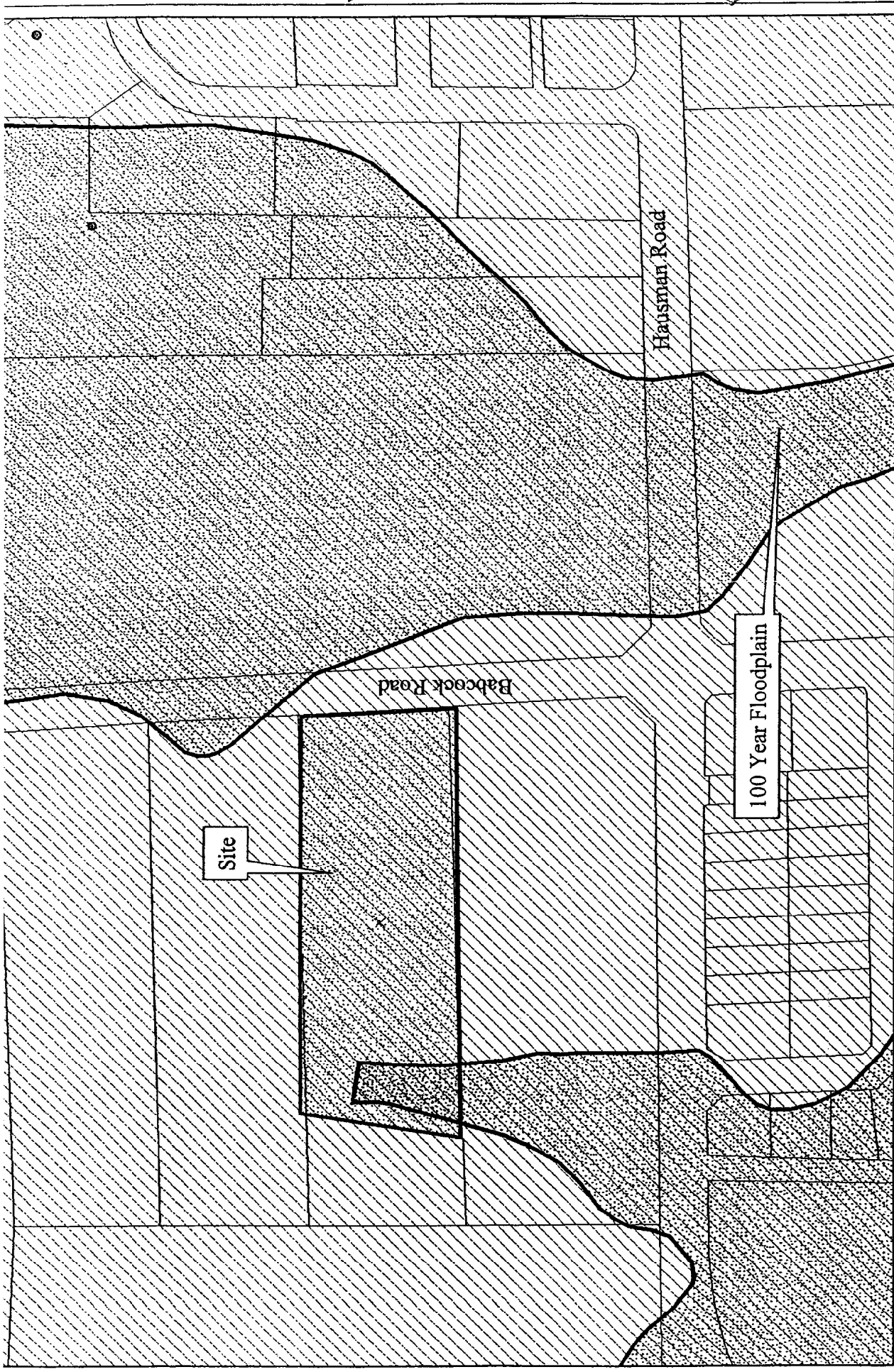
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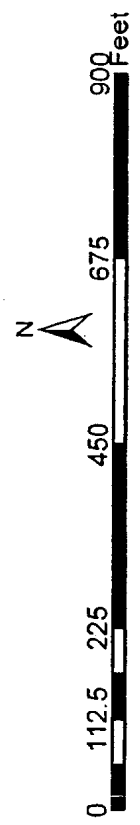
**Zoning Case Z2004099      Figure 2**

13723 Babcock

Map Page 513 E7

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Map Prepared by Aquifer Protection and Evaluation KJS 4/12/2004



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**Z2004099**

**ZONING CASE NO. Z2004099** – May 4, 2004

Applicant: Royal Properties

Zoning Request: "C-3" ERZD Commercial Edwards Recharge Zone District to "MF-33" ERZD Multi-Family Edwards Recharge Zone District.

Ken Brown, 112 E. Pecan, representing the applicant, stated they are proposing to develop student housing on the subject property. He stated their intent is to develop approximately 297 units, which is 8 ½ units per acre with 38% impervious cover. He further stated he has met with the representatives from the neighborhood association who is in support of this proposal.

Staff stated there were 8 notices mailed out to the surrounding property owners, 0 returned in opposition and 2 returned in favor and no response from College Park Neighborhood Association. The Northwest Interstate Coalition of Neighborhoods 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 Stribling and seconded by Commissioner McAden to recommend approval.

1. Property is located on 4.455 acres out of NCB 14865 at the west side of Babcock Road approximately 215 feet north of the West Hausman Road.
2. There were 8 notices mailed, 0 returned in opposition and 2 in favor.
3. Staff recommends approval.

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

**NAYS: None**

**THE MOTION CARRIED**

**RESULTS OF NOTICE FOR COUNCIL HEARING**

To be provided at Council hearing.