

CASE NO: Z2004184

Staff and Zoning Commission Recommendation - City Council

Date: September 09, 2004

Zoning Commission Meeting Date: August 17, 2004

Council District: 10

Ferguson Map: 518 A2

Appeal: No

Applicant: Owner

City of San Antonio Multiple Owners

Zoning Request: From R-6 ERZD Residential Single Family Edwards Recharge Zone District to PUD R-6 ERZD Planned Unit Development Residential Single Family Edwards Recharge Zone District

Property Location: Located north of Loop 1604 between Redland Road and Bulverde Road

Proposal: To apply appropriate zoning following annexation.

Neighborhood Association: Emerald Forest and Redland Woods Neighborhood Associations

Neighborhood Plan: None

TIA Statement: A traffic impact analysis is not required.

Staff Recommendation:

Approval. These properties were part of an annexation in 2000. It is the policy of the city to rezone annexed property. The subject properties are currently zoned R-6. The subject properties were developed as a gated single-family residential neighborhood. The proposed PUD R-6 ERZD rezoning will make all existing uses conforming and allow for future PUD R-6 ERZD development.

Zoning Commission Recommendation

Approval

CASE MANAGER : Richard Ramirez 207-5018

VOTE

FOR	9
AGAINST	0
ABSTAIN	0
RECUSAL	0

Z2004184

ZONING CASE NO. Z2004184 – August 17, 2004

Applicant: City of San Antonio

Zoning Request: "R-6" ERZD Residential Single Family Edwards Recharge Zone
District to PUD R-6 ERZD Planned Unit Development Residential
Single Family Edwards Recharge Zone District.

City staff represented this case.

Staff stated there were 461 notices mailed out to the surrounding property owners, 5 returned in opposition and 117 returned in favor and no response from Emerald Forest and Redland Woods Neighborhood Association. Emerald Forest Neighborhood Association 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 Peel and seconded by Commissioner McAden to recommend approval.

1. Property is located north of Loop 1604 between Redland Road and Bulverde Road.
2. There were 461 notices mailed, 5 returned in opposition and 117 in favor.
3. Staff recommends approval.

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.

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 Z2004184 (Emerald Forest)

Date: August 3, 2004

SUMMARY

A request for a change in zoning has been made for an approximate 164.07-acre tract located on the city's north side. A change in zoning from "**R-6 ERZD**" to "**R-6 PUD ERZD**" is being requested by the City of San Antonio. The change in zoning has been requested to allow for the owner to continue to develop the property as a PUD. The property is classified as Category 1 property (File No. 9811004).

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 10, northwest of the intersection of Loop 1604 and Bulverde 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 R-6 PUD ERZD and will allow for the property to continued to be developed as a PUD. The property was annexed into the City of San Antonio on January 1, 2001.

2. Surrounding Land Uses:

Two churches are located adjacent to the south of the site. The remainder of the surrounding property is either residential or undeveloped.

3. Geologic Features:

The Resource Protection Division of the San Antonio Water System conducted an evaluation on July 22, 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 and observed no significant recharge feature, 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 Leached and Collapsed Member of the Edwards Aquifer, and the central portion of the site is underlain by the Cyclic and Marine Member of the Edwards Aquifer. Two northeast-southwest trending faults intersect the property and the floodplain. A SARA Dam is located on the southwest portion of the property. Additionally, staff reviewed the geologic assessment in the WPAP, prepared by INTECH in May 1993. According to the Geologic Assessment Report, there is one potential significant recharge feature on the site (PRF-6). The site evaluation confirmed that the feature has been preserved as a park area. Based on our evaluation, staff is in general agreement with the findings of the Geologic Assessment report. According to FEMA flood insurance maps, the 100-year floodplain does traverse the site.

4. Water Pollution Abatement Plan(WPAP):

There are several WPAP's for several portions of the subject property. The majority of the site is contained within the Emerald Forest Units 2-8 WPAP Modification, approved by the Texas Commission on Environmental Quality on January 6, 1998.

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 due to the increase of impervious cover.

2. Standard Pollution/Abatement Concerns:

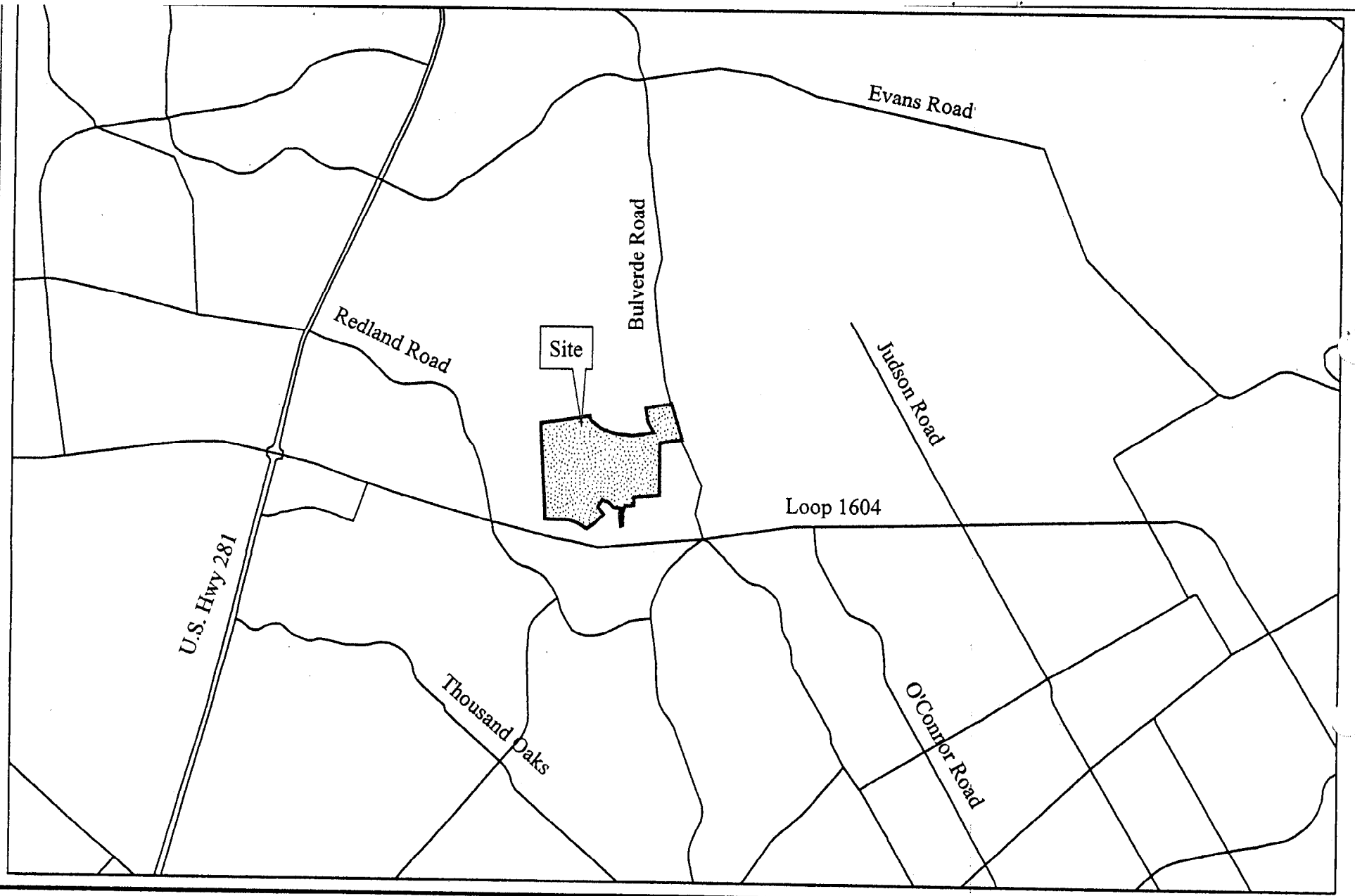
- A. The improper use of pesticides, herbicides, or fertilizers needed for landscape maintenance that may be carried off in the first flush of stormwater run-off.
- B. The build-up of hydrocarbons and other pollutants on streets, parking lots and other paved areas that are then carried off in the first 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. 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. The applicant shall notify the Construction Compliance Section of the Resource Compliance Division of the San Antonio Water System at (210) 704-1158 no later than 48 hours prior to the commencement of construction at the site.
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 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 Aquifer Protection & Evaluation Section of the Resource Protection Division of the San Antonio Water System:
 - 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 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.
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 Aquifer Protection and Evaluation Section of the San Antonio Water System at (210) 704-7305 to schedule a site inspection. Additionally, we recommend a maintenance plan and schedule be developed and submitted to the Aquifer Protection and Evaluation Section of SAWS.
 - 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 the San Antonio Water System.
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.



Zoning Case Z2004184 Figure 1

Emerald Forest

Map Page 518 B3

X = 2149410 Y=13768816

Map Prepared by Aquifer Protection and Evaluation KJS 7/28/2004



0 2,000 4,000 8,000 12,000 16,000 Feet

1:59,885



Zoning Case Z2004184 Figure 2

Emerald Forest

Map Page 518 B3

X = 2149410 Y=13768816

Map Prepared by Aquifer Protection and Evaluation KJS 7/28/2004

