

ZONING CASE: Z2004-119

City Council District No. 10
 Requested Zoning Change
 From: "R6 ERZD" To "MF25,O1,C2,R5PUD ERZD"
 Date: November 4, 2004
 Scale: 1" = 400'

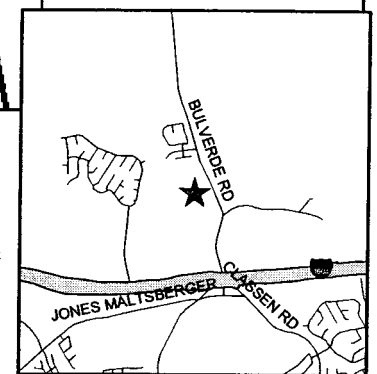
Subject Property

200' Notification

B-2
p.518



C:\May_4_2004
 (A. Z.)



CASE NO: Z2004119

Staff and Zoning Commission Recommendation - City Council

City Council Continuance from October 14, 2004

Date: November 04, 2004

Zoning Commission Meeting Date: September 07, 2004

Council District: 10

Ferguson Map: 518 B2

Appeal: No

Applicant:

Brown, P. C.

Owner

Newton Bulverde Road, Ltd.

Zoning Request: From R-6 ERZD Residential Single Family Edwards Recharge Zone District to MF-25 ERZD Multi-Family Edwards Recharge Zone District on 27.90 acres, O-1 ERZD Office Edwards Recharge Zone District on 4.25 acres, C-2 ERZD Commercial Edwards Recharge Zone District on 2.40 acres and PUD R-5 ERZD Planned Unit Development Residential Single Family Edwards Recharge Zone District on 18.15 acres out of NCB 34955

Property Location: 18221 Bulverde Road

North of Loop 1604 on the west side of Bulverde Road

Proposal: Mixed Use Development

Neighborhood Association: Emerald Forest Neighborhood Association

Neighborhood Plan: None

TIA Statement: A traffic impact analysis is required and is in compliance with the TIA ordinance 91700. On-site improvements, as well as, improvements along the project limits will be required and shall be provided by the developer at the time of platting.

Staff Recommendation:

Approval. The request is for a mixture of residential and commercial zoning. There is a transition from the commercial node of Loop 1604 and Bulverde Road south to north from commercial to residential zoning and uses. The subject property is situated between R-6 ERZD to the north and C-2 ERZD to the south. The current development pattern is commercial and multi-family at the southern end of the area with office and residential to the north. To the west there is vacant land zoned R-6 ERZD, and a large 100-year flood plain. To the east lies vacant land zoned C-2 ERZD. The requested zoning would compliment this development pattern beginning at the intersection of Loop 1604 and Bulverde Road.

Zoning Commission Recommendation

Approval

CASE MANAGER : Richard Ramirez 207-5018

VOTE

FOR 9

AGAINST 0

ABSTAIN 0

RECUSAL 0

Z2004119

ZONING CASE NO. Z2004119 – September 7, 2004

Applicant: Brown, P. C.

Zoning Request: "R-6" ERZD Residential Single Family Edwards Recharge Zone District to "MF-25" ERZD Multi Family Edwards Recharge Zone District on 27.90 acres, "O-1" ERZD Office Edwards Recharge Zone District on 4.25 acres, "C-2" ERZD Commercial Edwards Recharge Zone District on 2.40 acres and PUD "R-5" ERZD Planned Unit Development Residential Single Family Edwards Recharge Zone District on 18.15 acres out of NCB 34955.

Ken Brown, 112 E. Pecan, representing the owner, stated a 55 acres piece of property between an existing single-family neighborhood and a proposed HEB shopping center. He stated they did try to transition their property from the single-family neighborhood to the commercial activity. They are proposing to develop a mixed-use development of commercial to residential on the subject property. They have been in contact with the neighborhood association who are in support.

Gordon Hartman, stated he has been working with the neighborhood association in reference to this development. He stated the total area of residential development consist of 18.15 acres. They have agreed to provide an 8-foot fence on the subject property line that abuts the existing residence property line and the proposed residential homes that would abut the existing homes be 1 story in height.

Staff stated there were 33 notices mailed out to the surrounding property owners, 2 returned in opposition and 5 returned in favor and no written response from Emerald Forest Neighborhood Association however staff did received a verbal response from Emerald Forest Neighborhood Association expressing their support.

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 at 18221 Bulverde Road.
2. There were 33 notices mailed, 5 returned in opposition and 117 in favor.
3. Staff recommends approval.

Z2004119

**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 Z2004119 (52.7 acres on Bulverde Road)

Date: August 3, 2004

SUMMARY

A request for a change in zoning has been made for an approximate 52.7-acre tract located on the city's north side. A change in zoning from "R-6 ERZD" to "MF-25, O-1, C-2, R-5 PUD ERZD" is being requested by the applicant, Brown, P.C. The change in zoning has been requested to allow for the property to be developed into a mixed-use development. The property is classified as Category 2.

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, along the western side of Bulverde Road, north of Loop 1604. 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 MF-25, O-1, C-2, R-5 PUD ERZD and will allow for the construction of a mixed-use development. The property is currently a residential residence with some agricultural uses. The 52.7 acres are broken into four tracts (Figure 3).

The first tract is approximately 18.15 acres. The proposed zoning change for tract 1 is from R-6 ERZD to R-5 PUD ERZD. This tract will consist of approximately 120- 130 residential lots. The impervious cover for this tract is limited to 30%.

The second tract is approximately 4.25 acres. The proposed zoning change is from R-6 ERZD to O-1 ERZD. Currently, this tract has four residential structures. This tract is not planned to be developed in the immediate future. However, the long-range plan is to utilize the current structures for office purposes. The impervious cover is limited to 65%.

The third tract is approximately 27.9 acres. The zoning change requested is from R-6 ERZD to MF-25 ERZD. This tract is proposed to be developed at a maximum of 25 units per acre. The impervious cover for this tract is limited to 50%.

The fourth tract is approximately 2.4 acres. The zoning change requested is from R-6 ERZD to C-2 ERZD. The proposed development will be a neighborhood commercial retail center. Tract 4 will be limited to 65% impervious cover.

2. Surrounding Land Uses:

A new fire station is currently being constructed immediately east of the property. A residential subdivision is located to the north. The remaining surrounding properties are currently undeveloped.

3. Geologic Features:

The Resource Protection Division of the San Antonio Water System conducted an evaluation on May 13, 2004 of the referenced property to assess the geologic conditions and evaluate any environmental concerns present at the site. SAWS staff Geologist, Mr. Kevin Morrison, P.G., was present during the site evaluation and observed no significant recharge feature, although Edwards outcropping was visually apparent near the western edge of the property. Using the U.S. Geological Survey Water-Resources Investigations Report 95-4030 it was determined that the northern portion of the subject site is underlain by the Leached and Collapsed Member of the Edwards Aquifer, and the southern portion of the site is underlain by the Cyclic and Marine Member of the Edwards Aquifer. The property has been cleared for grazing horses. Three active wells were noted on the site. A minor fault bisects the property from the southwest to the northeast. Should clearing activities begin along the fault area SAWS must be notified to inspect for potential recharge features along the cleared fault areas. According to FEMA flood insurance maps, no part of the site is located within the 100-year floodplain. However, East Elm Creek is immediately west of the property. The floodplain must be buffered in accordance with Ordinance No. 81491.

4. Water Pollution Abatement Plan:

As of the date of this report, a Water Pollution Abatement Plan (WPAP) has not been submitted to the Texas Commission on Environmental Quality (TCEQ). A WPAP will be required to be submitted 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. Site Specific Concerns:

- A. The three wells on the site will be required to be properly abandoned once they are no longer needed for the current residences.

2. Standard Pollution/Abatement Concerns:

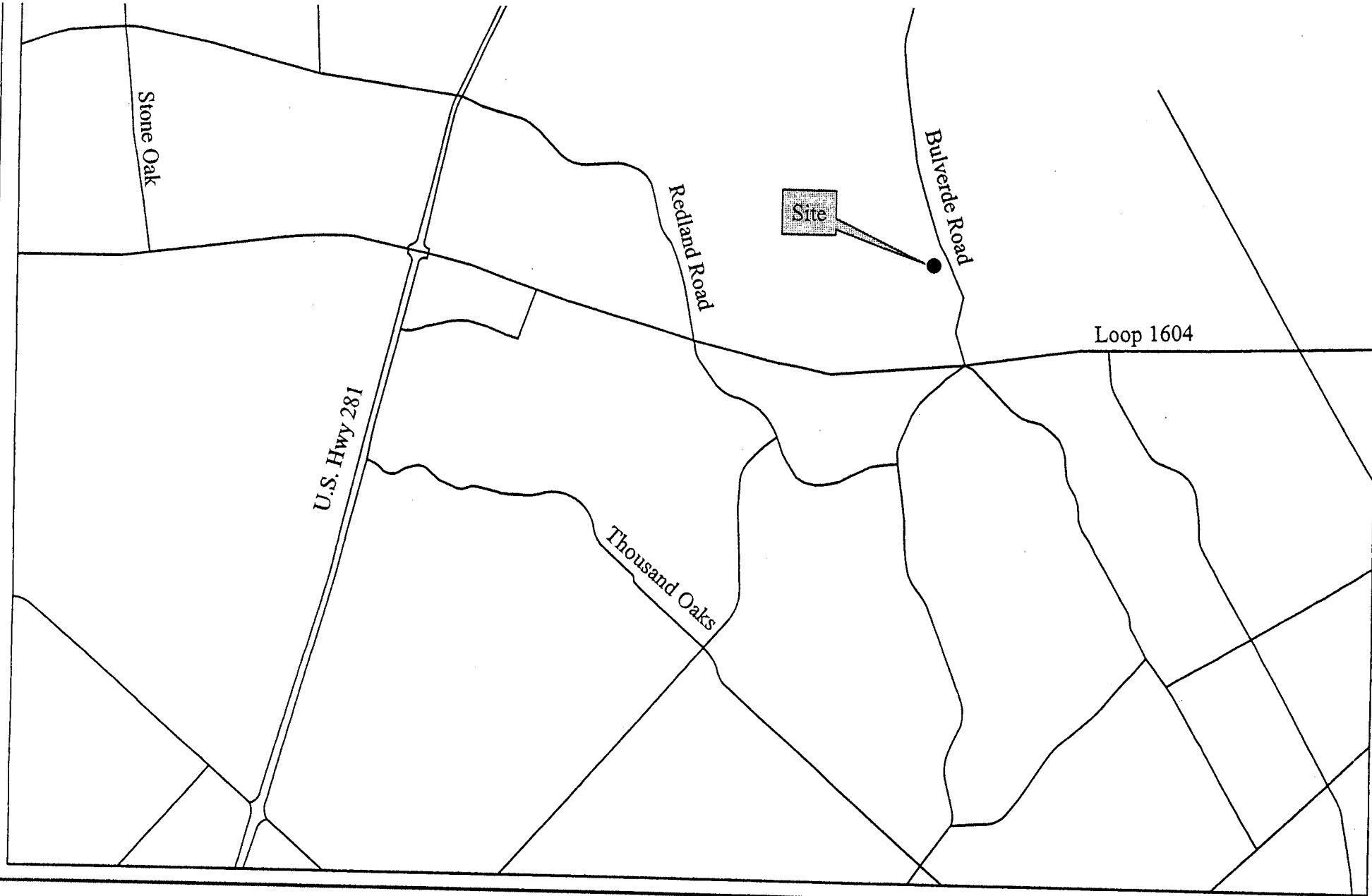
- A. The improper use of pesticides, herbicides, or fertilizers needed for landscape maintenance that may be carried off in the first flush of stormwater run-off.
- B. The build-up of hydrocarbons and other pollutants on streets, parking lots and other paved areas that are then carried off in the first flush of stormwater run-off.
- C. The proper construction, maintenance, and operation of any on-site sewage facility (septic tank).

ENVIRONMENTAL RECOMMENDATIONS

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

1. This property must be developed as Category 2 property, in accordance with all provisions of Ordinance No. 81491 and will include limits on impervious cover.
2. If any of the three wells become abandoned, they must be properly plugged according to the City Code Chapter 34 Division 2 Section 574 by a registered well driller.
3. Any septic system located on the site must be properly abandoned according to Bexar County rules and regulations.
4. 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.
5. 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.
6. 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. SAWS staff shall inspect the fault area for any sensitive recharge features. If found, they must be properly buffered.

7. 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.
8. 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.
9. 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.
10. 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.
11. 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 the San Antonio Water System.
 - 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.



Zoning Case Z2004119

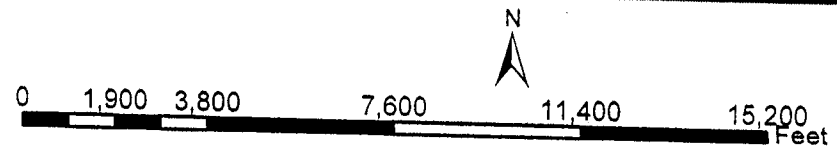
Figure 1

52.7 acres on Bulverde Road

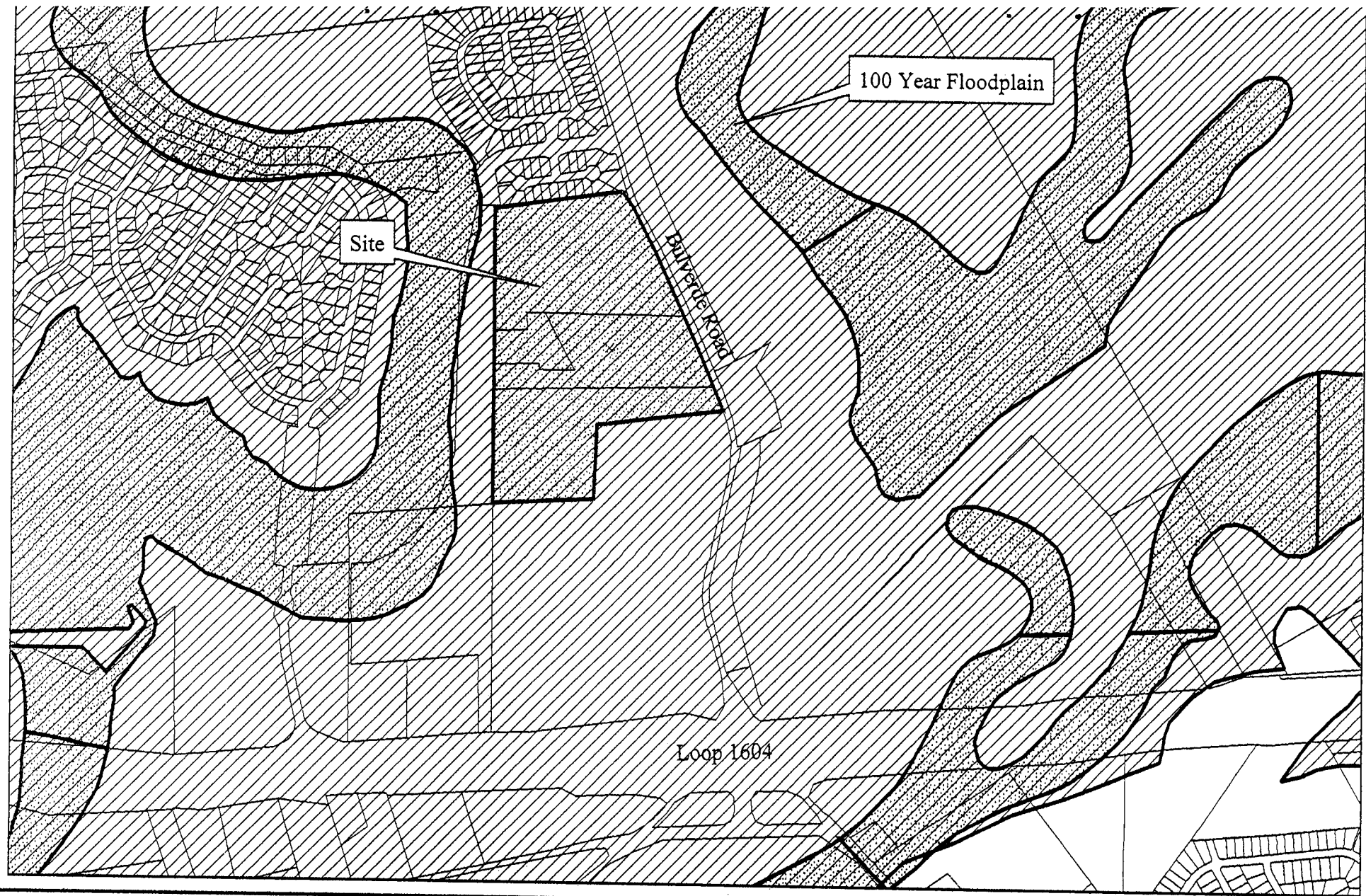
Map Page 518 B2

X = 2151999 Y=13769016

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



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Zoning Case Z2004119

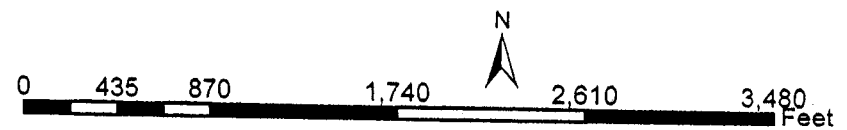
Figure 2

52.7 acres on Bulverde Road

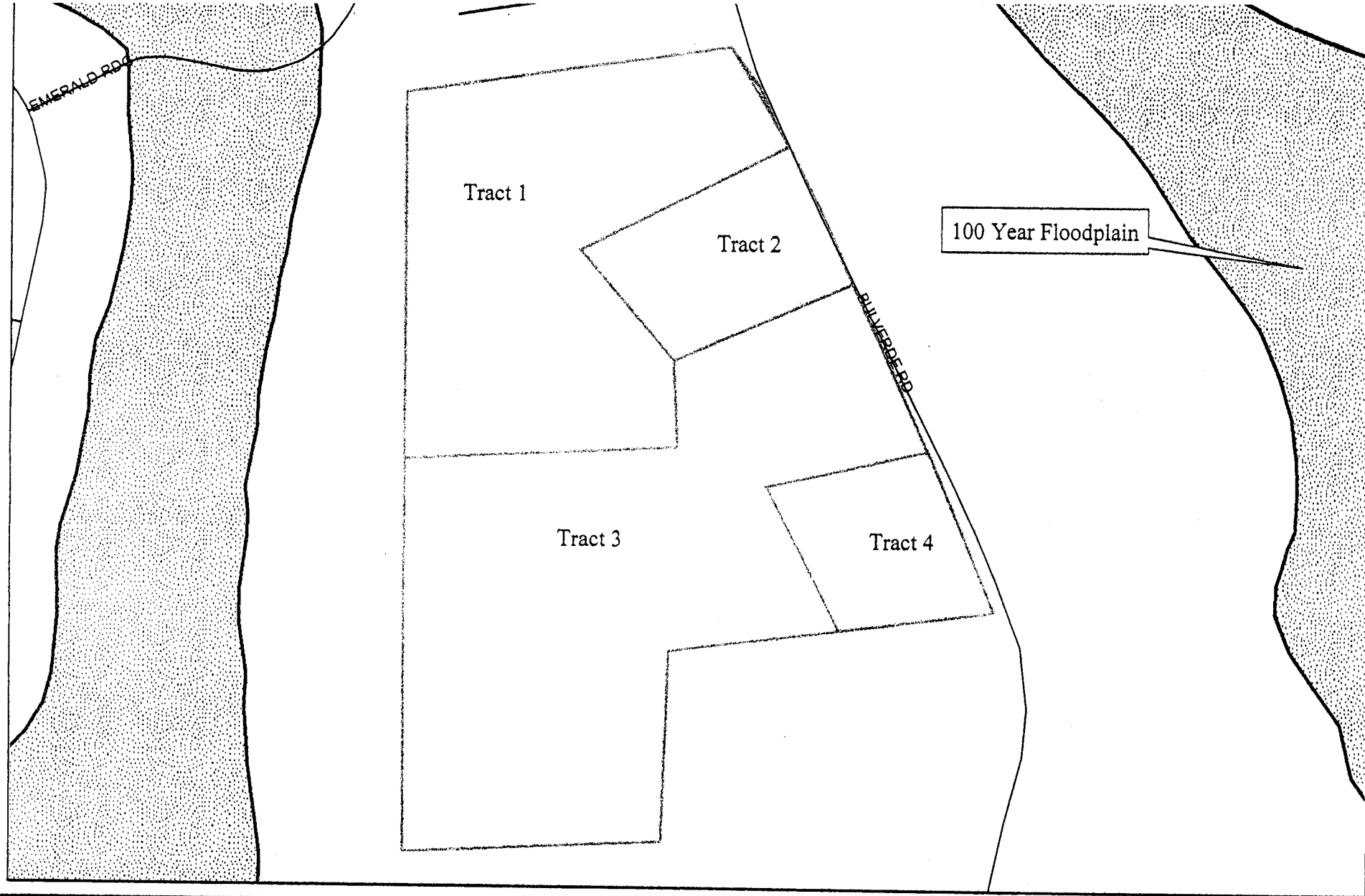
Map Page 518 B2

X = 2151999 Y=13769016

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



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Zoning Case Z2004119

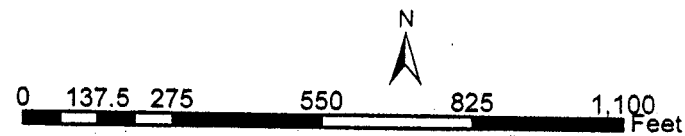
52.7 acres on Bulverde Road

Map Page 518 B2

X = 2151999 Y = 13769016

Map Prepared by Aquifer Protection and Evaluation KJS 7/19/2004

Figure 3



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