

ZONING CASE: Z2005-027

City Council District NO. 8

Requested Zoning Change

From: O-2 ERZD To O-2 PUD ERZD

Date: August 11, 2005

Scale: 1" = 200'

Subject Property

200' Notification

C:\Apr_5_2005

CASE NO: Z2005027

Staff and Zoning Commission Recommendation - City Council

Postponement from April 28, 2005

Date: August 11, 2005

Zoning Commission Meeting Date: April 05, 2005

Council District: 8

Ferguson Map: 515 D7

Applicant:

Equitas Investments, Inc.

Owner:

Equitas Investments, Inc. (Lyle Hotchkiss)

Zoning Request: From O-2 ERZD Office Edwards Recharge Zone District to PUD O-2 ERZD Office Planned Unit Development Edwards Recharge Zone District

8.5178 acres out of Block 1, NCB 17841

Property Location: 14000 Block of Huebner Road

Northside of Huebner Road, southwest of the intersection of Huebner Road and NW Military Drive

Proposal: Planned Unit Development

Neighborhood Association: None

Neighborhood Plan: None

TIA Statement: A Level-1 Traffic Impact Analysis (TIA) was submitted and is in compliance with TIA Ordinance 91700.

Staff Recommendation:

Approval

The subject property is currently vacant and located on Huebner Road, a major thoroughfare. The subject property is adjacent to the City Of Shavano Park to the northwest, C-2 Commercial District to the northeast, C-3 General Commercial District and C-2 Commercial District across Huebner Road to the southeast. No change is proposed to the base zoning of O-2 ERZD Office Edwards Recharge Zone District. A Planned Unit Development provides flexibility in the planning and construction of the development project. Because of the shape of the subject property a Planned Unit Development would be appropriate. Staff's recommendation of approval is based on the site evaluation of the property by the San Antonio Water System (SAWS) staff.

SAWS recommends that the impervious cover on the subject property shall not exceed 65%.

Zoning Commission Recommendation:

Approval with San Antonio Water System (SAWS) recommendation

CASE MANAGER : Pedro Vega 207-7980

VOTE

FOR	8
AGAINST	0
ABSTAIN	1
RECUSAL	0

Z2005027

ZONING CASE NO. Z2005027 – April 5, 2005

Applicant: Equitas Investments, Inc.

Zoning Request: "O-2" ERZD Office Edwards Recharge Zone District to PUD "O-2"
ERZD Office Planned Unit Development Edwards Recharge Zone District.

Ruben Pena, 257 E. Mayfield, representing the applicant, stated he has been working with Pete Vega, Case Manager and Karen Schubert, SAWS regarding this case. He stated their only concern is with SAWS recommendation of the 65% impervious cover. By accepting SAWS recommendation, would this stop any efforts they may have when going to Council to work out negotiations?

FAVOR

Harmid Apdehodge, agent for owner, stated he is unclear of what SAWS recommendations and would like clarification. On the recommendation for Category I, does this mean SAWS is withdrawing the vested rights for Category I or does it mean Category I but 65% impervious cover? He stated City staff, under the UDC Unified Development Code, recommended to provide the PUD to do this development.

OPPOSE

Richard Alles, 1809 Blanco Road, representing AGUA, stated landowners are entitled to a certain level of impervious cover. He feels SAWS recommendation of 65% impervious cover would protect the Aquifer.

Jim Hoffman, 303 Happy Trail, stated he is concerned with the addition of the PUD designation with the "O-2" that allows for flexibility. He stated he is concerned that there will be no control with this flexibility. Therefore he is opposition of this request.

Adam Ratner, 305 Happy Trail, stated he would like to same concerns as Mr. Hoffman. He stated they have not been in contact with the developers or the representatives of this case. He supports SAWS recommendation of 65% impervious cover however he is concerned with the type of development that will be constructed on the subject property.

Z2005027

REBUTTAL

Ruben Pena, 257 E. Mayfield, representing the applicant, stated the PUD designation would allow for some flexibility in the design of the streets. He stated they are restricted by deed on the height of the structure of 25 feet they are also restricted by deed that there be no retail. He stated he has been in contact with the surrounding property owners who are in support.

Harmid Apdehodge, stated they have agreed with the deed restrictions. He feels they have addressed the concerns of the surrounding residents. He stated this project would be garden offices and feels this would good for the community. He further stated they would continue to work with Mr. Ratner to address his concerns before this case is presented to City Council.

Staff stated there were 16 notices mailed out to the surrounding property owners, 0 returned in opposition and 2 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 McAden to recommend approval.

1. Property is located on 8.5178 acres out of Block 1, NCB 17841 at 14000 Block of Huebner Road.
2. There were 16 notices mailed, 0 returned in opposition and 2 in favor.
3. Staff recommends approval.

AYES: Martinez, Robbins, Dixon, Sherrill, McAden, Avila, Stribling, Peel

NAYS: None

ABSTAIN: Kissling

RECUSED: Dutmer

THE MOTION CARRIED

Z2005027

RESULTS OF COUNCIL HEARING April 28, 2005

City Council granted a continuance until August 11, 2005

RESULTS OF NOTICE FOR COUNCIL HEARING

To be provided at Council hearing.

SAN ANTONIO WATER SYSTEM
Interdepartment Correspondence Sheet

PCV SERVICES

2005 MAR -2 P 2:39

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 Z2005027 (Hotchkiss Office Park)

Date: March 8, 2005

SUMMARY

A request for a change in zoning has been made for an approximate 8.5-acre tract located on the city's northwest side. A change in zoning from "O-2 ERZD" to "O-2 PUD ERZD" is being requested by the owner, represented by Ruben Pena. The change in zoning has been requested to allow for the owner to develop the property as an office park with the flexibility allowed by a PUD. The property is classified as category 1 property.

Based on the site evaluation of the property, and the information submitted by the applicant, SAWS staff recommends **approval** of the proposed land use. Should the city council rezone the property that is the subject of this report, the San Antonio Water System recommends that any development on that property after the zoning classification has been changed should be restricted as stated in the environmental recommendations section of this report.

LOCATION

The subject property is located in City Council District 8, along the northern side of Huebner, west of NW Military. The property lies within the Edwards Aquifer Recharge Zone (Figures 1 and 2).

SITE EVALUATION

1. Development Description:

The proposed change is from O-2 ERZD to O-2 PUD ERZD and will allow for the construction of an office park. The applicant holds an approved WPAP, proposing an impervious cover of 95% for the subject site. The applicant has been informed that it is SAWS recommendation that the impervious cover be limited to 65%.

2. Surrounding Land Uses:

A shopping strip center with an HEB grocery store is located southeast of the site. A residential subdivision is adjacent to the north and west. A large drainage easement bounds the property to the east.

3. Geologic Features:

The Resource Protection Division of the San Antonio Water System conducted an evaluation on January 27, 2005 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 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. Extensive outcropping of bedrock was observed on the property but identification was not possible due to heavy weathering of exposed material. Additionally, staff reviewed the geologic assessment in the WPAP, prepared by Dobson Neathery & Associates, and no potential recharge features were discovered on the site. Based on our evaluation, staff is in general agreement with the findings of the Geologic Assessment report. Additionally, the southeastern corner of the property is contained within the FEMA 100 year floodplain.

4. Water Pollution Abatement Plan:

Hotchkiss Office Park holds a Water Pollution Abatement Plan (WPAP) approved by the Texas Commission on Environmental Quality on November 22, 2004.

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

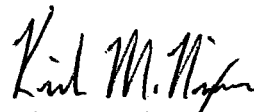
The following recommendations address the environmental concerns raised by the construction of this development on the Edwards Aquifer Recharge Zone:

- 1. The amount of impervious cover on the subject property shall not exceed 65%.
- 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. 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.
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. 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.

Based on the site evaluation of the property, and the information submitted by the applicant, staff recommends **approval** of the proposed land use. Additionally, SAWS staff recommends that the applicant, or any future owner, comply with the above recommendations in regards to the development of the subject property.

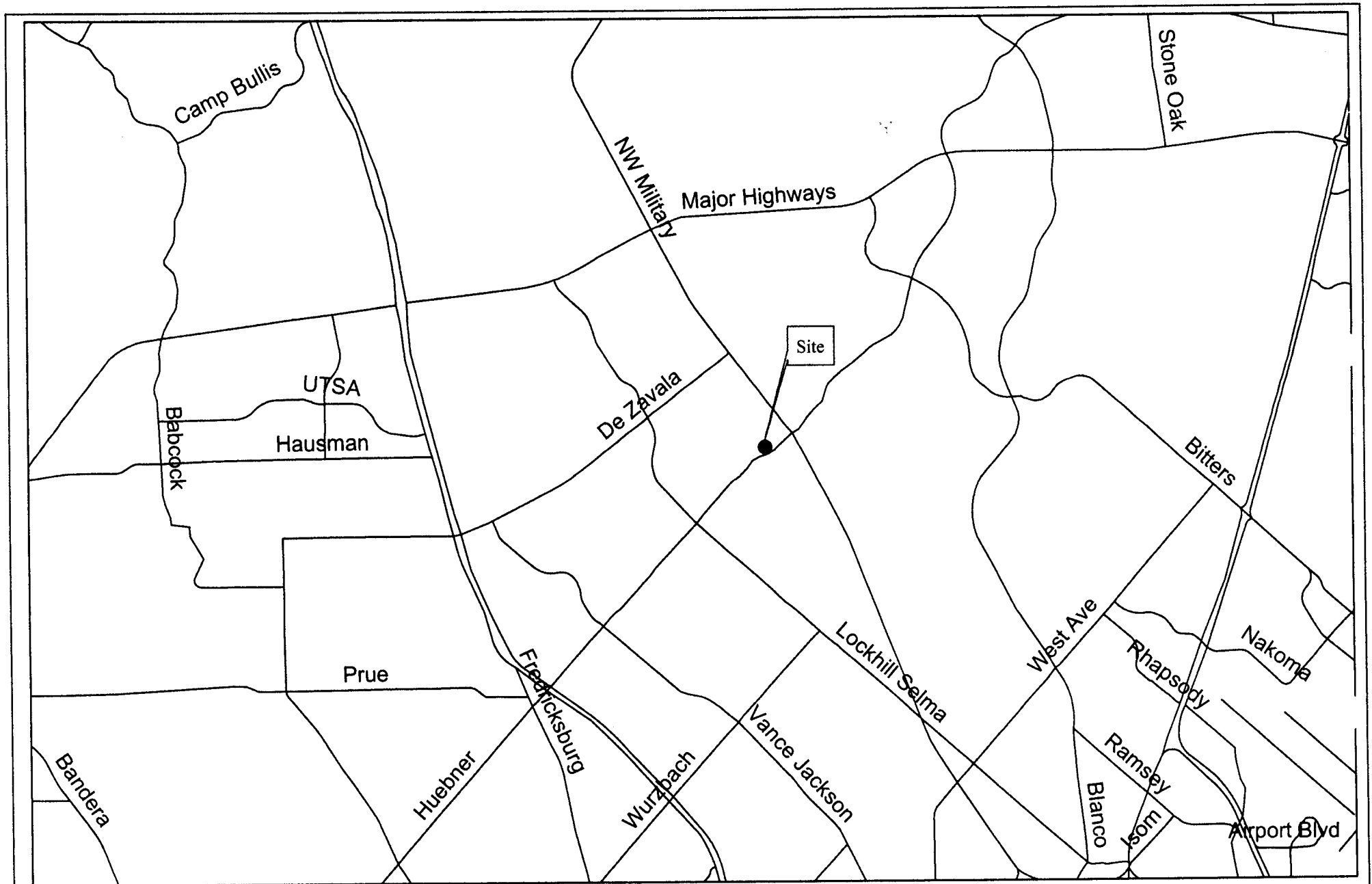

Kirk M. Nixon
Manager
Resource Protection Division

APPROVED:



Scott R. Halty
Director,
Resource Protection & Compliance Department

KMN:KJS



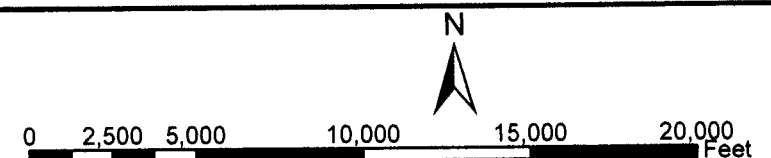
Zoning Case Z2005027 Figure 1

Hotchkiss Office Park

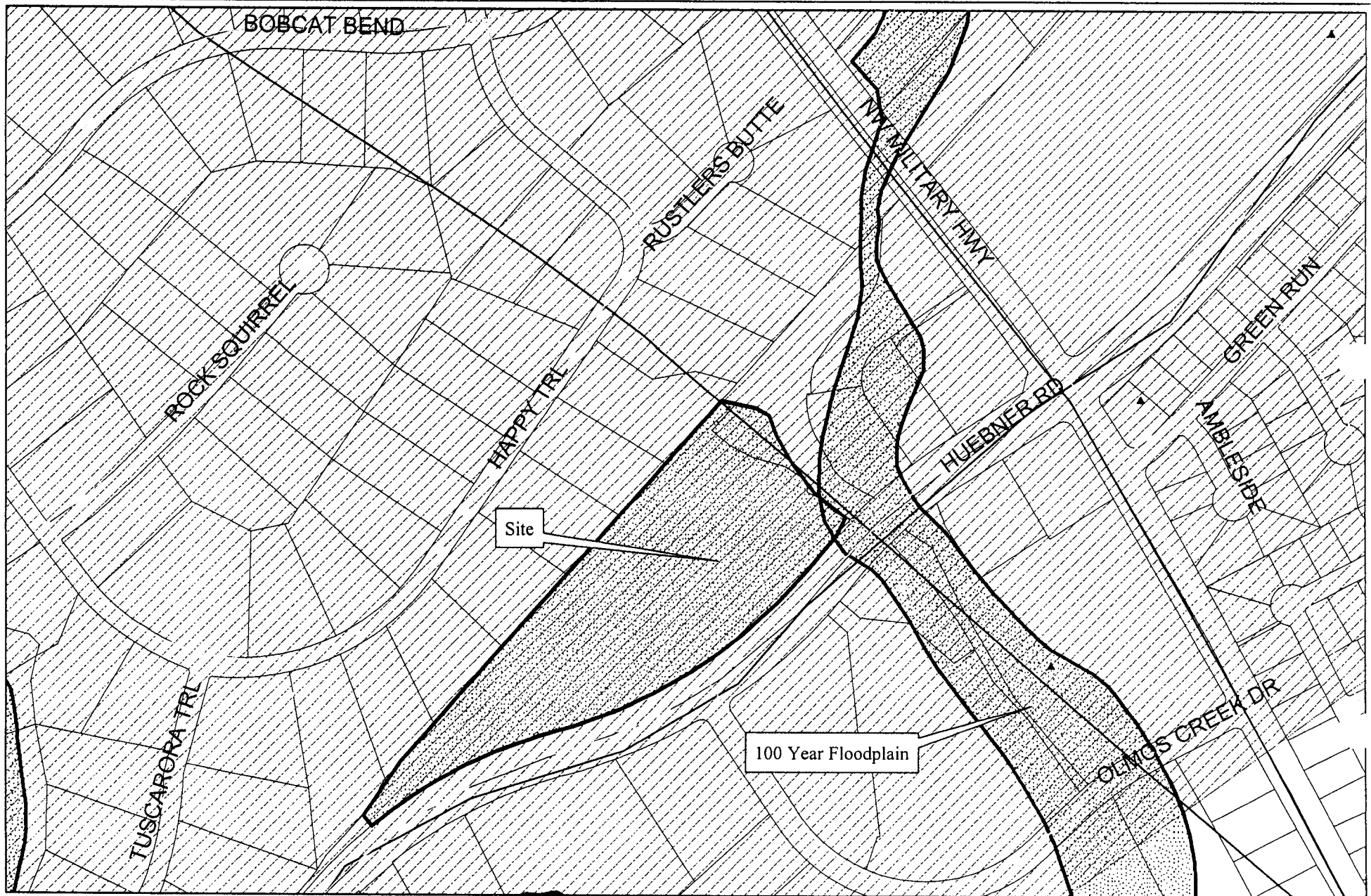
Map Page 515 D7

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Map Prepared by Aquifer Protection and Evaluation KJS 1/25/2005



1:68,683



Zoning Case Z2005027

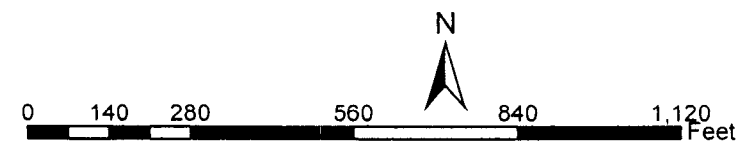
Figure 2

Hotchkiss Office Park

Map Page 515 D7

X = 2112090 Y=13756253

Map Prepared by Aquifer Protection and Evaluation KJS 1/27/2005



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