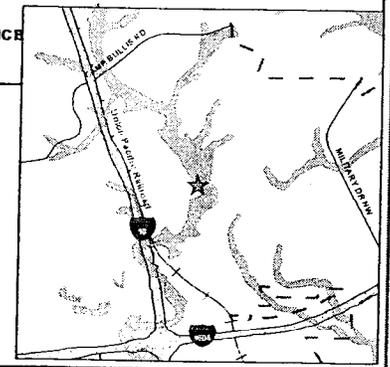


- - - - Notices Mailed
 - - - - In Opposition
 - - - - In Favor

ZONING CASE: Z2005-070
 City Council District NO. 8
 Requested Zoning Change
 From: C-3 ERZD, O-2 To RP, C-3, C-3 ERZD
 Date: May 12, 2005
 Scale: 1" = 700'

[Shaded Area] Subject Property
 [Circle] 200' Notification



CASE NO: Z2005070

Staff and Zoning Commission Recommendation - City Council

Date: May 12, 2005

Zoning Commission Meeting Date: April 19, 2005

Council District: 8

Ferguson Map: 514 D2

Appeal: No

Applicant:

Owner:

Brown, P. C., Attorneys at Law

Fourth Quarter Properties, XII, LLC

Zoning Request:

From C-3 ERZD General Commercial Edwards Recharge Zone District to RP ERZD Resource Protection Edwards Recharge Zone District on 6.665 acres,
From QD S ERZD Quarry Edwards Recharge Zone District with a Specific Use Authorization for Outside Storage for a Lumber Yard to RP ERZD Resource Protection Edwards Recharge Zone District on 18.60 acres,
From QD Quarry District to RP Resource Protection District on 28.32 acres,
From QD S ERZD Quarry Edwards Recharge Zone District with a Specific Use Authorization for Outside Storage for a Lumber Yard to C-3 ERZD General Commercial Edwards Recharge Zone District on 28.998 acres,
From QD Quarry District to C-3 General Commercial District on 3.41 acres,
From O-2 Office District to C-3 General Commercial District on 60.64 acres

146.623 acres out of NCB 14747

Property Location:

Across from the intersection of IH 10 West and La Cantera Parkway

Proposal:

To allow for retail development and the creation of a resource protection zone

Neighborhood Association:

None

Neighborhood Plan:

None

TIA Statement:

A Level 3 Traffic Impact Analysis was submitted and is in the process of approval for the zoning and the master development plan.

Staff Recommendation:

Approval.

The subject property is located across from the intersection of IH 10 West and La Cantera Parkway. The subject property is vacant and is surrounded by undeveloped property. The proposed C-3 General Commercial District will be an extension of the existing commercial zoning to the southwest. The proposed RP Resource Protection District will serve as a buffer between the existing and proposed commercial uses and the properties to the northeast. The Master Plan states that based on a comprehensive land use plan, more intensive development in and near neighborhood centers should be encouraged with less intensive development between neighborhood centers. The proposed RP district would achieve this goal by preserving the land surrounding the commercial development.

Zoning Commission Recommendation:

Approval

VOTE

FOR 10

AGAINST 0

ABSTAIN 0

RECUSAL 1

CASE MANAGER : Robin Stover 207-7945

Z2005070

ZONING CASE NO. Z2005070 – April 19, 2005

Applicant: Brown, P. C., Attorneys at Law

Zoning Request: “C-3” ERZD General Commercial Edwards Recharge Zone District to “RP” ERZD Resource Protection Edwards Recharge Zone District on 6.665 acres, from “QD” S ERZD Quarry Edwards Recharge Zone District with a Specific Use Authorization for Outside Storage for a Lumber Yard to “C-3” ERZD General Commercial Edwards Recharge Zone District on 2.058 acres, from “QD” S ERZD Quarry Edwards Recharge Zone District with a Specific Use Authorization for Outside Storage for a Lumber Yard to “RP” ERZD Resource Protection Edwards Recharge Zone District on 18.60 acres, from “QD” Quarry District to “RP” Resource Protection District on 28.32 acres, from “QD” S ERZD Quarry Edwards Recharge Zone District with a Specific Use Authorization for Outside Storage for a Lumber Yard to “C-3” ERZD General Commercial Edwards Recharge Zone District on 26.93 acres, from “QD” Quarry District to “C-3” General Commercial District on 3.41 acres, from “O-2” Office District to “C-3” General Commercial District on 60.64 acres

Ken Brown, 112 E. Pecan, representing the owner, stated this would be a mixed use Master Plan Project at the intersection of two major highways and feels this zoning request is appropriate for this area. He further stated they do intend to abide by SAWS recommendations on 65% impervious cover, which applies, only to the portion of the property that lies over the Recharge Zone.

Staff stated there were 8 notices mailed out to the surrounding property owners, 0 returned in opposition and 1 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 146.623 acres out of NCB 14747 across from the intersection of IH 10 West and La Cantera Parkway.
2. There were 8 notices mailed, 0 returned in opposition and 1 in favor.
3. Staff recommends approval.

Z2005070

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

NAYS: None

RECUSED: Dutmer

THE MOTION CARRIED

RESULTS OF NOTICE FOR COUNCIL HEARING

To be provided at Council hearing.

The proposed change is from C-3, QD, O-2, QD S ERZD & C-3 ERZD to RP, RP ERZD, C-3 & C-3 ERZD and will allow for the construction of a mixed-use development. The property was previously utilized as a quarry. Approximately 54.23 acres, of the 146.62-acre site is located within the ERZD.

2. Surrounding Land Uses:

Fiesta Texas Theme Park is located west of the property, across I.H. 10. An active quarry is in operation to the east-southeast. The remainder of the property surrounding the site is undeveloped.

3. Geologic Features:

The Resource Protection Division of the San Antonio Water System conducted an evaluation on March 24, 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 Dolomitic Member of the Edwards Aquifer and the Lower Confining Unit of the Glen Rose of the Trinity Aquifer. The project site is a quarry and observation of underlying geology was not possible due to fill material.

The Dolomitic Member has a low to moderate potential for development of caverns along bedding planes and structural features. It is generally 110 to 130 feet thick in full section.

While a fault is expressed in the northeast wall of the quarry, it could not be verified on the bulk of the project due to fill material on quarry floor and previous blasting activities that have occurred on the site. This fault juxtaposes the Lower Confining Unit of the Glen Rose and Dolomitic Members of the Edwards Aquifer and marks the transition from Edwards Recharge Zone to the southeast and the Contributing Zone to the northwest. This feature could not be assessed for sensitivity due to coverage by fill material and blasting of the original surface expressions.

Three water wells were located on the site. One of the wells has been properly plugged, while the other two will remain active.

Additionally, staff reviewed the geologic assessment in the WPAP, prepared by Pape-Dawson Engineers, and no sensitive recharge features were discovered on the site. Based on our evaluation, staff is in general agreement with the findings of the Geologic Assessment report. According to FEMA Flood Insurance Maps, a portion of the subject site is located within the 100-year floodplain.

4. Water Pollution Abatement Plan:

The Rim Mass Grading & Demolition Water Pollution Abatement Plan (WPAP) was approved by the Texas Commission on Environmental Quality (TCEQ) on September 7, 2004. This plan only allows for grading and demolition and does not allow for any impervious cover.

ENVIRONMENTAL CONCERNS

The environmental concerns associated with this development being constructed on the Edwards Aquifer Recharge Zone are:

1. Geologic Concerns:
 - A. Two unplugged wells are located on the site and the potential for contamination of the Edwards Aquifer via the well.
 - B. A portion of the property lies within the floodplain, and the potential increase of sediment load resulting from the additional runoff created by the development.
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

If the property is rezoned by the San Antonio City Council, then the following conditions shall apply to address the environmental concerns raised by the construction of this development on the Edwards Aquifer Recharge Zone:

Site Specific

1. The impervious cover on the ERZD portion of the site shall not exceed 65%.
2. The owner or owner's agent shall inform any person leasing this tract or any portion of this tract that storage of commercial/industrial chemicals and/or hazardous materials is not permitted. Provisions prohibiting the storage of chemicals and/or hazardous materials shall be included in the lease agreement. The owner or owner's agent shall be included in the lease agreement. The owner or owner's agent shall provide a copy of the lease provisions regarding the storage of chemicals and/or hazardous materials to the Aquifer Protection Section of the San Antonio Water System for approval. The Aquifer Protection and Evaluation Section of the San Antonio Water System may randomly inspect, without notice, any or all of the facilities on the site to ensure compliance with ordinances.

3. All water pollution abatement structures shall be properly maintained and kept free of trash and debris. A signed water quality maintenance plan must be submitted to the Resource Protection Division of SAWS. If at any time the ownership of the property changes, the seller must disclose to the buyer all the requirements of the water quality maintenance plan. The new owner must submit a signed water quality maintenance plan to the Resource Protection Division of SAWS.
4. Landscaped areas shall be sensitive to minimizing water needs, i.e., use of native plants. Each purchaser of an individual lot or tenant within this development shall be informed by the seller or lessor in writing about Best Management Practices (BMP) for 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 the U.S. Natural Resource Conservation Service, Texas Department of Agriculture, U.S. Department of Agriculture, shall be used.
5. 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. 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.

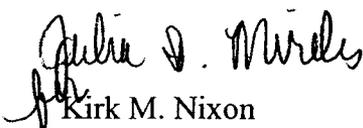
General

1. If at anytime either of the two wells become abandoned, they must be properly plugged according to the City Code Chapter 34 Division 2 Section 574 by a registered well driller.
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. 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.
4. 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.
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 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.
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. 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.
9. 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
Z2005070 (The Rim)
Page 6

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.

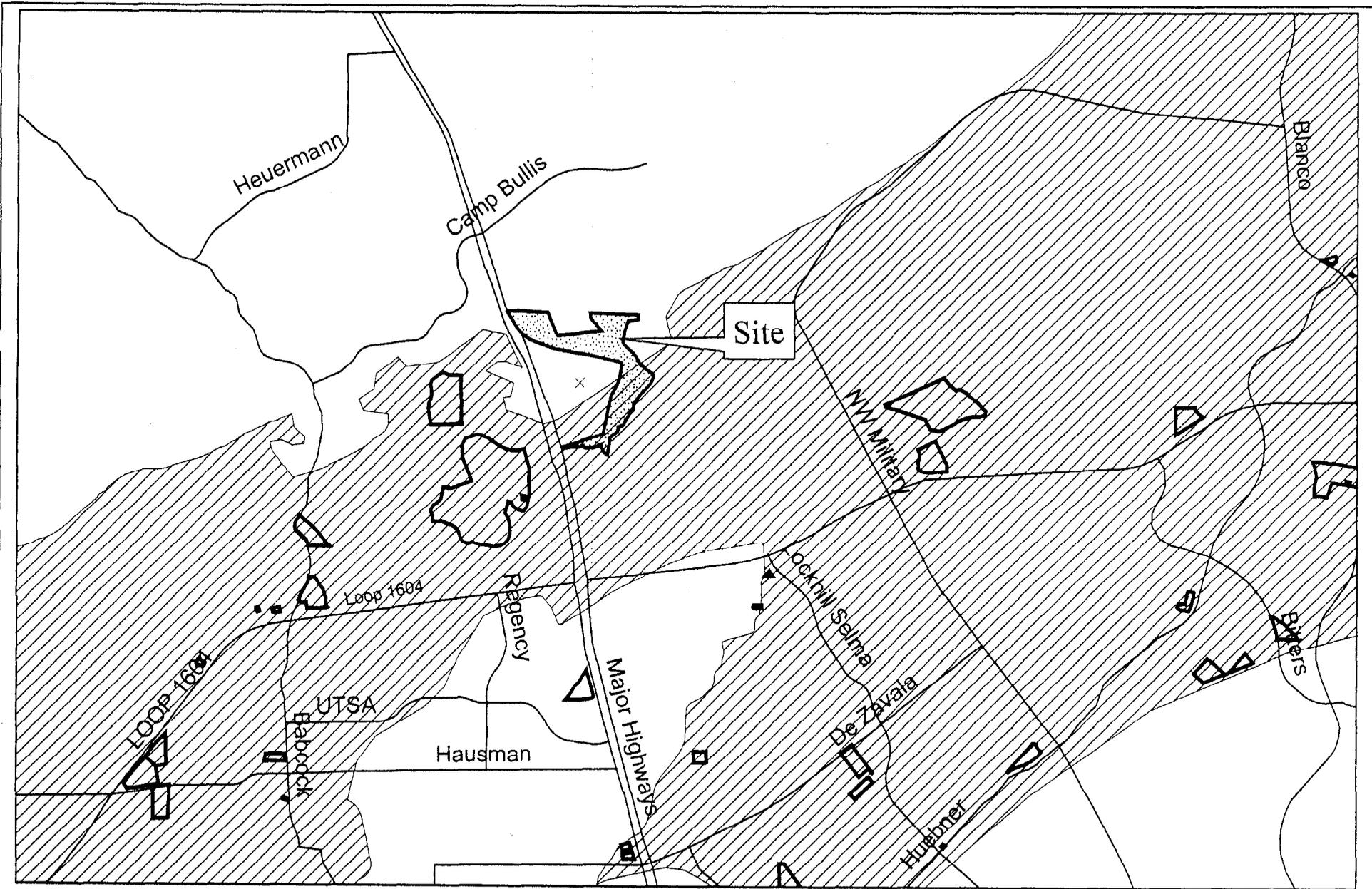

Kirk M. Nixon
Manager
Resource Protection Division

APPROVED:



Scott R. Halty
Director,
Resource Protection & Compliance Department

KMN:KJS



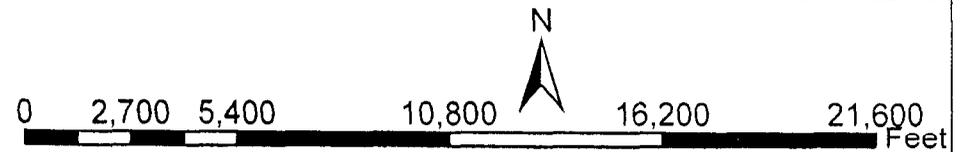
Zoning Case Z2005070 Figure 1

The Rim at La Cantera

Map Page 514 D2

X = 2097637 Y=13769127

Map Prepared by Aquifer Protection and Evaluation KJS 3/31/2005



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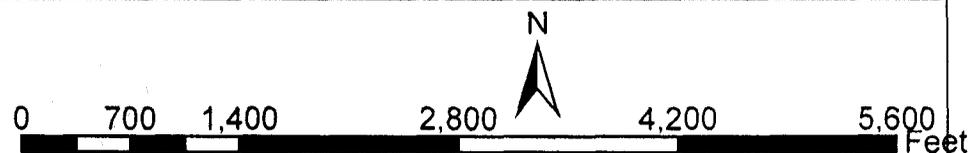
Zoning Case Z2005070 Figure 2

The Rim at La Cantera

Map Page 514 D2

X = 2097637 Y=13769127

Map Prepared by Aquifer Protection and Evaluation KJS 3/31/2005



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