

ZONING CASE: Z2005-154

City Council District NO. 9

Requested Zoning Change

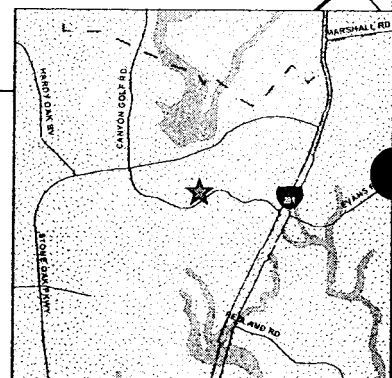
From: C-2 ERZD To R-6 ERZD

Date: August 25, 2005

Scale: 1" = 300'

Subject Property

200' Notification



CASE NO: Z2005154

Staff and Zoning Commission Recommendation - City Council

Zoning Commission continuance from July 5, 2005 and July 19, 2005

Date: August 25, 2005

Zoning Commission Meeting Date: August 02, 2005

Council District: 9

Ferguson Map: 486 A6

Applicant:

KB Home Lone Star LP, a Texas Limited Partnership by
KBSA, Inc., its General Partner

Owner:

Oak Stone (San Antonio) PPI III Limited Liability
Limited Partnership, A George Limited Liability
Partnership

Zoning Request: From "C-2 ERZD" Commercial Edwards Recharge Zone District to "R-6
ERZD" Residential Single-Family Edwards Recharge Zone District

14.68 acres out of NCB 19219

Property Location: 1500 Block of Evans Road

Northwest side of Evans Road between U.S. Highway 281 and Stone Oak
Parkway

Proposal: Single-family subdivision

**Neighborhood
Association:** Stone Oak Property Owners Association

Neighborhood Plan: None

TIA Statement: A Traffic Impact Analysis is not required.

Staff Recommendation:

Approval

The subject property is undeveloped and located on the Evans Road a major thoroughfare. The request for "R-6 ERZD" Residential Single-Family Edwards Recharge Zone District is a down zoning from the current "C-2 ERZD" Commercial Edwards Recharge Zone District. The subject property is adjacent to "MF-33 ERZD" Multi-Family Edwards Recharge Zone District to the north, west and "R-6 ERZD" Residential Single-Family Edwards Recharge Zone District north and across Evans Road to the southeast (Barbara Bush Middle School). Staff's recommendation of approval is based on the site evaluation of the property by the San Antonio Water System (SAWS).

Edwards Recharge Zone District Summary

1. SAWS recommends approval of the proposed land use.
2. The property is classified as a Category 1.
3. SAWS recommends that the impervious cover shall not exceed 30% on the site.

Zoning Commission Recommendation:

Approved with SAWS recommendations

VOTE

FOR	11
AGAINST	0
ABSTAIN	0
RECUSAL	0

CASE MANAGER : Pedro Vega 207-7980

Z2005154

ZONING CASE NO. Z2005154 – July 5, 2005

Applicant: KB Home Lone Star, L. P., a Texas Limited Partnership by KBSA, Inc., its General Partner

Zoning Request: "C-2" ERZD Commercial Edwards Recharge Zone District to "R-6" ERZD Residential Single Family Edwards Recharge Zone District.

Andy Guerrero, 3134 Renker, representing the applicant, stated they have been working with the neighborhood association and have been asked for additional information regard the proposed development therefore he would like to request a two-week continuance until July 19, 2005.

Staff stated there were 10 notices mailed out to the surrounding property owners, 0 returned in opposition and 2 returned in favor and Stone Oak Property Owners Association is in opposition.

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 Sherrill and seconded by Commissioner Robbins to recommend a continuance until July 19, 2005.

1. Property is located on 14.68 acres out of NCB 19219 at 1500 Block of Evans Road.
2. There were 10 notices mailed, 0 returned in opposition and 2 in favor.
3. Staff recommends approval.

AYES: Martinez, Robbins, Rodriguez, Sherrill, Avila, Stribling

NAYS: None

RECUSED: Dutmer

THE MOTION CARRIED

ZONING CASE NO. Z2005154 – July 19, 2005

Applicant: KB Home Lone Star LP, A Texas Limited Partnership by KBSA, Inc.

Zoning Request: "C-2" ERZD Commercial Edwards Recharge Zone District to "R-6" ERZD Residential Single Family Edwards Recharge Zone District.

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Andy Guerrero, 3134 Renker, representing the applicant, stated they have submitted their proposal to Stone Oak Neighborhood Association and is still under review. He stated they have not received a respond from Stone Oak therefore he would like to request a two week continuance.

Staff stated there were 10 notices mailed out to the surrounding property owners, 0 returned in opposition and 2 returned in favor and Stone Oak Property Owners Association is in opposition.

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 Robbins and seconded by Commissioner Stribling to recommend a continuance August 2, 2005.

1. Property is located on 14.68 acres out of NCB 19219 at 1500 Block of Evans Road.
2. There were 10 notices mailed, 0 returned in opposition and 2 in favor.
3. Staff recommends approval.

AYES: Robbins, Rodriguez, Kissling, Farias, Dixon, McAden, Avila, Stribling, Gray

NAYS: None

THE MOTION CARRIED

ZONING CASE NO. Z2005154 – August 2, 2005

Applicant: KB Home Lone Star LP, A Texas Limited Partnership by KBSA, Inc.

Zoning Request: "C-2" ERZD Commercial Edwards Recharge Zone District to "R-6" ERZD Residential Single Family Edwards Recharge Zone District.

Andy Guerrero, 3134 Renker, representing the applicant, stated they are requesting this change in zoning to allow the property be developed as a single-family subdivision. He stated the property is just over 14 acres and would be used with the adjoining property, which is just over 25 acres, which is a total 40.07 acres in size. He stated this request would be a down zoning and is proposed at a density of 2.93 units per acre. He further stated he has received a letter from the neighborhood association expressing their support with restrictions.

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Staff stated there were 10 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 McAden and seconded by Commissioner Dixon to recommend approval.

1. Property is located on 14.68 acres out of NCB 19219 at 1500 Block of Evans Road.
2. There were 10 notices mailed, 0 returned in opposition and 2 in favor.
3. Staff recommends approval.

AYES: Martinez, Robbins, Rodriguez, Kissling, Farias, Dixon, Sherrill, McAden, Avila, Stribling, Gray

NAYS: None

THE MOTION CARRIED

RESULTS OF NOTICE FOR COUNCIL HEARING

To be provided at Council hearing.

SAN ANTONIO WATER SYSTEM
Interdepartmental Correspondence Sheet

DEV. SERVICES

2005 JUN 22 P 2: 35

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 Z2005154 (KB Homes)

Date: June 22, 2005

SUMMARY

A request for a change in zoning has been made for an approximate 14.68-acre tract located on the city's north side. A change in zoning from "C-2 ERZD" to "R-5 ERZD" is being requested by the applicant, KB Homes Lone Star, LP, represented by Mr. Andy Guerrero. The change in zoning has been requested to allow for the development of a single-family residential subdivision. The property is classified as Category 1 property.

Based on the field observations 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 9, on the north side of Evans road, west of U.S. Hwy 281. The property lies within the Edwards Aquifer Recharge Zone (Figures 1 and 2).

SITE EVALUATION

1. Development Description:

The proposed change is from C-2 ERZD to R-5 ERZD, and will allow for the construction of a single-family residential subdivision. The property is currently undeveloped.

2. Surrounding Land Uses:

Barbara Bush Middle School is located to the southeast of the site. The remainder of the adjacent property is either developed as single-family residential subdivisions or proposed to be developed as single-family residential subdivisions.

3. Geologic Features:

The Resource Protection Division of the San Antonio Water System conducted field observations on June 9, 2005 of the referenced property to observe the geologic conditions and evaluate any environmental concerns present at the site. SAWS staff Geologist, Ms. Joan Falkenberg, P.G., was present during the field observations and visually observed Edwards outcropping. Although no obvious sensitive recharge features were observed, the Geologic Assessment report will identify any geologic features, and their sensitivity. Using U.S. Geological Survey Water-Resources Investigations Report 95-4030 it was determined that the subject site was underlain by the Dolomitic Member & the Kirshberg Evaporite Member of the Kainer Formation within the Edwards Limestone. The geology of the project site will be further evaluated and described in the Geologic Assessment Report as provided in the Water Pollution Abatement Plan required by the Texas Commission on Environmental Quality.

According to the Water Resources Investigations Report, the Dolomitic Member is generally porous and relatively permeable while the Kirshberg Evaporite Member appears to be the most porous and permeable subdivision within the Kainer Formation. According to FEMA Flood Insurance Maps, the subject site is not located within the 100-year floodplain.

4. Water Pollution Abatement Plan:

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 to and approved by the TCEQ prior to commencement of 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

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 shall not exceed 30% on the site.
2. 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.
3. 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.
4. 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 any wells are discovered at the time of construction and 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.

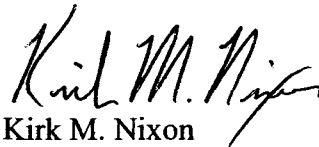
5. Prior to the release of any building permits, the following shall be submitted to the SAWS Aquifer Protection & Evaluation Section of the Resource Protection Division:
 - A. A copy of the Water Pollution Abatement Plan (WPAP) shall be submitted for each particular development/use within the area being 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 is 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

Z2005154 (KB Homes)

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Based on the field observations 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:

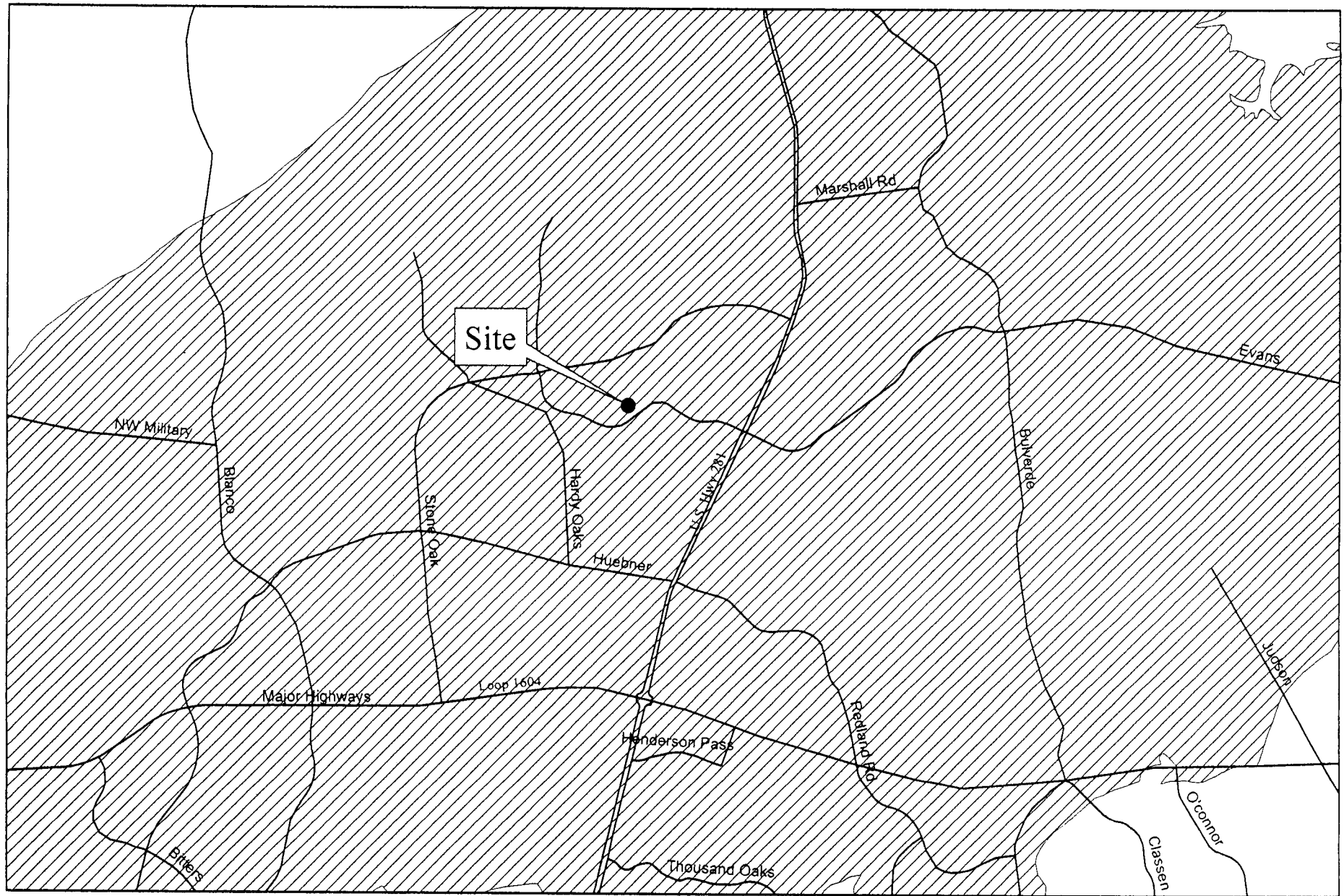


Scott R. Halty

Director,

Resource Protection & Compliance Department

KMN:KJS



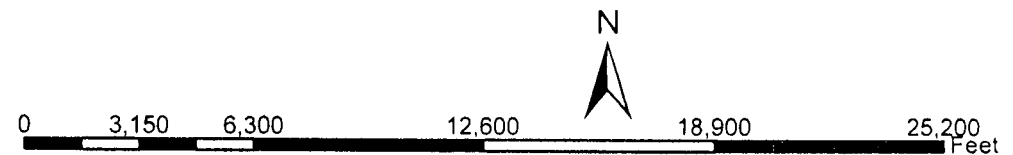
Zoning Case Z2005154 Figure 1

KB Homes

Map Page 483 B6

X = 21369631 Y=13780536

Map Prepared by Aquifer Protection and Evaluation KJS 6/14/2005



1:63,139



Zoning Case Z2005154 Figure 2

KB Homes

Map Page 483 B6

X = 21369631 Y=13780536

Map Prepared by Aquifer Protection and Evaluation KJS 6/14/2005

