

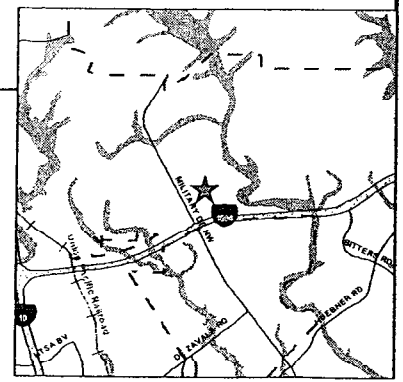
# **ZONING CASE: Z2005-092**

City Council District NO. 9  
 Requested Zoning Change  
 from: C-2 ERZD, C-3 ERZD To R-4 ERZD  
 Date: June 7, 2005  
 Scale: 1" = 500'

Subject Property  
 200' Notification



C:\June\_7\_2005



# CASE NO: Z2005092

## Staff and Zoning Commission Recommendation - City Council

Date: June 09, 2005

Zoning Commission Meeting Date: June 07, 2005

Council District: 9

Ferguson Map: 515 B3

Applicant:

Kaufman & Associates, Inc.

Owner:

McMillin Texas Development LLC

**Zoning Request:** From C-2 ERZD Commercial Edwards Recharge Zone District and C-3 ERZD General Commercial Edwards Recharge Zone District to R-4 ERZD Residential Single-Family Edwards Recharge Zone District

74.595 acres out of NCB 17701

**Property Location:** Northwest of the intersection of Northwest Military Highway and North Loop 1604 West

**Proposal:** To develop residential units

**Neighborhood Association:** None

**Neighborhood Plan:** None

**TIA Statement:** This zoning request is a downzoning. A Traffic Impact Analysis (TIA) will be required at Master Development Plan (MDP), Planned Unit Development (PUD) and Plat level.

### Staff Recommendation:

Approval.

The subject property is located north of the intersection of two major thoroughfares, Northwest Military Highway and North Loop 1604 West. The subject property is currently undeveloped. The surrounding properties are vacant and are zoned for commercial to the north and south, residential to the east, and quarry to the west. The subject property is adjacent to a large quarry with the typical noise, dust and other hazards associated with quarry operation. However, the quarry has reached its southernmost boundary and will expand only to the north, away from this property. In addition, the quarry is subject to zoning conditions safeguarding nearby residents from quarry operations. The quarry is located to the west and the north of the subject property. A strip of commercial zoned property separates the site from the quarry to the north. Currently there is an over abundance of commercially zoned property close to this intersection. This zoning change would reduce the northern boundary of the commercial node, thus starting a transition to residential development. It is unlikely that the light commercial property to the north will be developed as commercial. In the future, it is probable that this commercial property will be rezoned to residential.

### Zoning Commission Recommendation:

Pending June 07, 2005 Zoning Commission Hearing

CASE MANAGER : Robin Stover 207-7945

### VOTE

FOR 0

AGAINST 0

ABSTAIN 0

RECUSAL 0

**Z2005092**

**This case will be presented before Zoning Commission on June 7<sup>th</sup>, therefore Zoning Commission's recommendation is pending.**

**SAN ANTONIO WATER SYSTEM**  
**Interdepartment Correspondence Sheet**

DEV. SERVICES

2005 MAY 26 A 8:34

**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 Z2005092 (Presidio Heights)

**Date:** May 20, 2005

**SUMMARY**

A request for a change in zoning has been made for an approximate 74.59-acre tract located on the city's northwest side. A change in zoning from "**C-2 ERZD and C-3 ERZD**" to "**R-4 ERZD**" is being requested by the owner, McMillin Texas Development, LLC, represented by Kaufman & Assoc. The change in zoning has been requested to allow for the construction of a single-family residential subdivision. The property is classified as Category 1.

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 9, located northeast of the N.W. Military and Loop 1604 intersection. 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 and C-3 ERZD to R-4 ERZD and will allow for the construction of a single-family residential subdivision. The property is currently undeveloped.

2. Surrounding Land Uses:

Major quarry operations surround much of the property to the north and west. The remaining property that surrounds the site is currently undeveloped.

3. Geologic Features:

The Resource Protection Division of the San Antonio Water System conducted an evaluation on April 11, 2005 of the referenced property to assess the geologic conditions and evaluate any environmental concerns present at the site. SAWS staff Geologist, Ms. Joan B. Falkenberg, P.G., was present during the site evaluation and observed no significant recharge features, 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. Identification of geologic units was partially obscured due to soil development and coverage by Cedar mulch.

The Dolomitic Member is known to be porous and relatively permeable. It is generally 110 to 130 feet thick. An inferred fault traverses across the eastern portion of the property, however no surface expression was observed in the field. According to the FEMA Flood Insurance Maps, no part of the subject site is located within a 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. Geologic Concerns:

- A. An inferred fault traversing the property may have the potential to allow runoff to enter the subsurface.

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

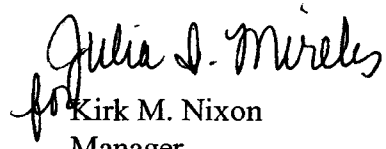
1. The impervious cover on the site shall not exceed 30%.
2. If a water quality basin is constructed on the property, the following is required:
  - A. Prior to the start of the basin construction, the owner will notify the Aquifer Protection and Evaluation Section of the San Antonio Water System at (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.
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.

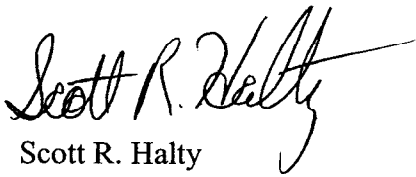
## General

1. 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.
2. 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.
3. 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.
4. 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.
5. 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.
6. 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.

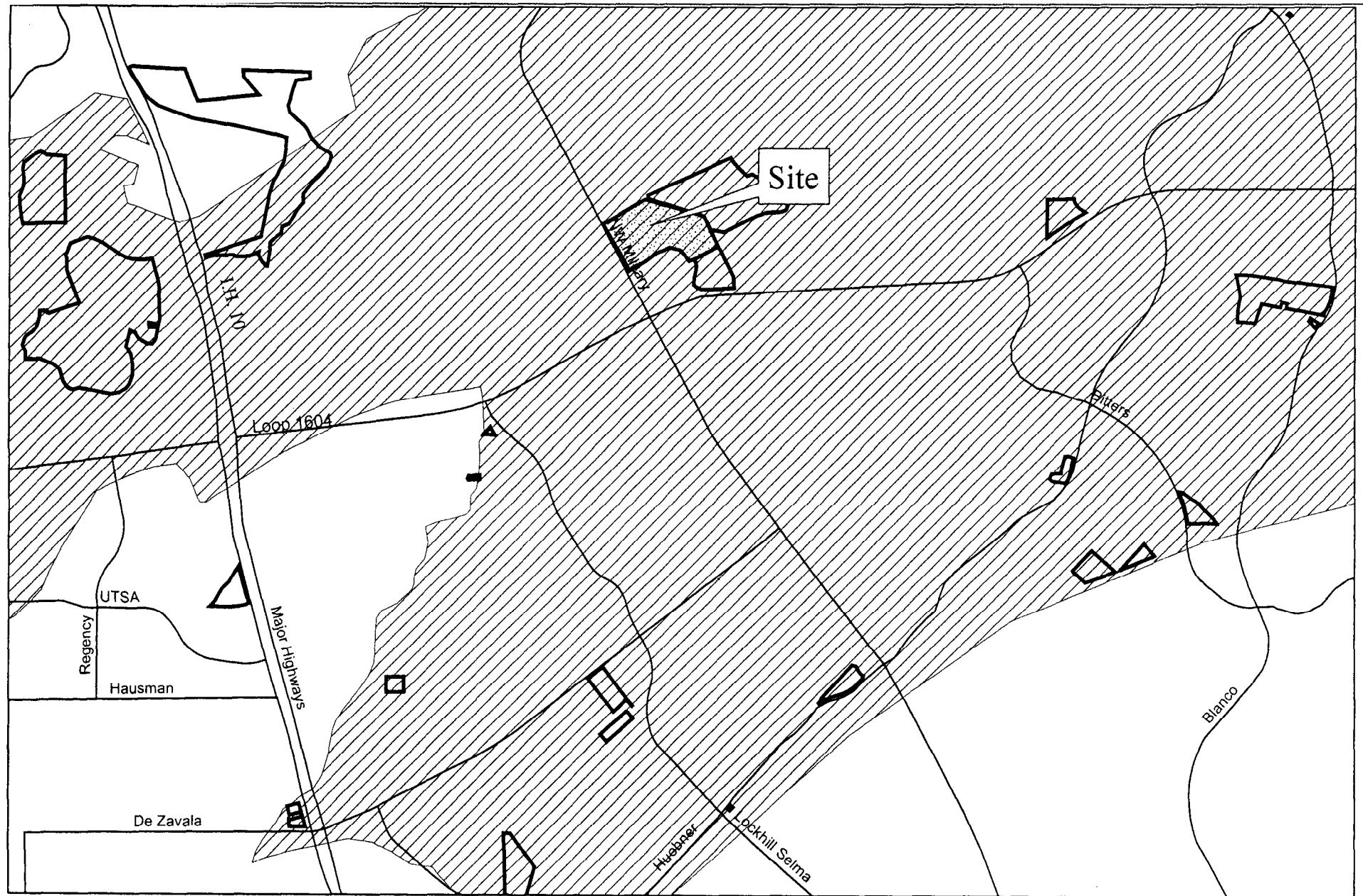
  
for Kirk M. Nixon  
Manager  
Resource Protection Division

APPROVED:

  
Scott R. Halty  
Director,  
Resource Protection & Compliance Department

KMN:KJS





**Zoning Case Z2005092**

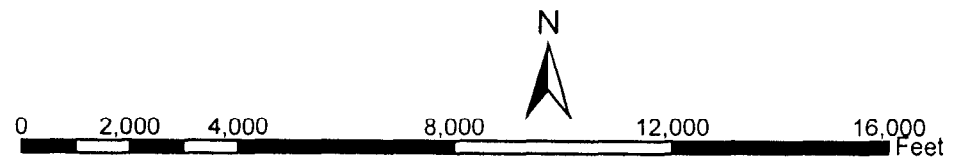
**Figure 1**

Presidio Heights

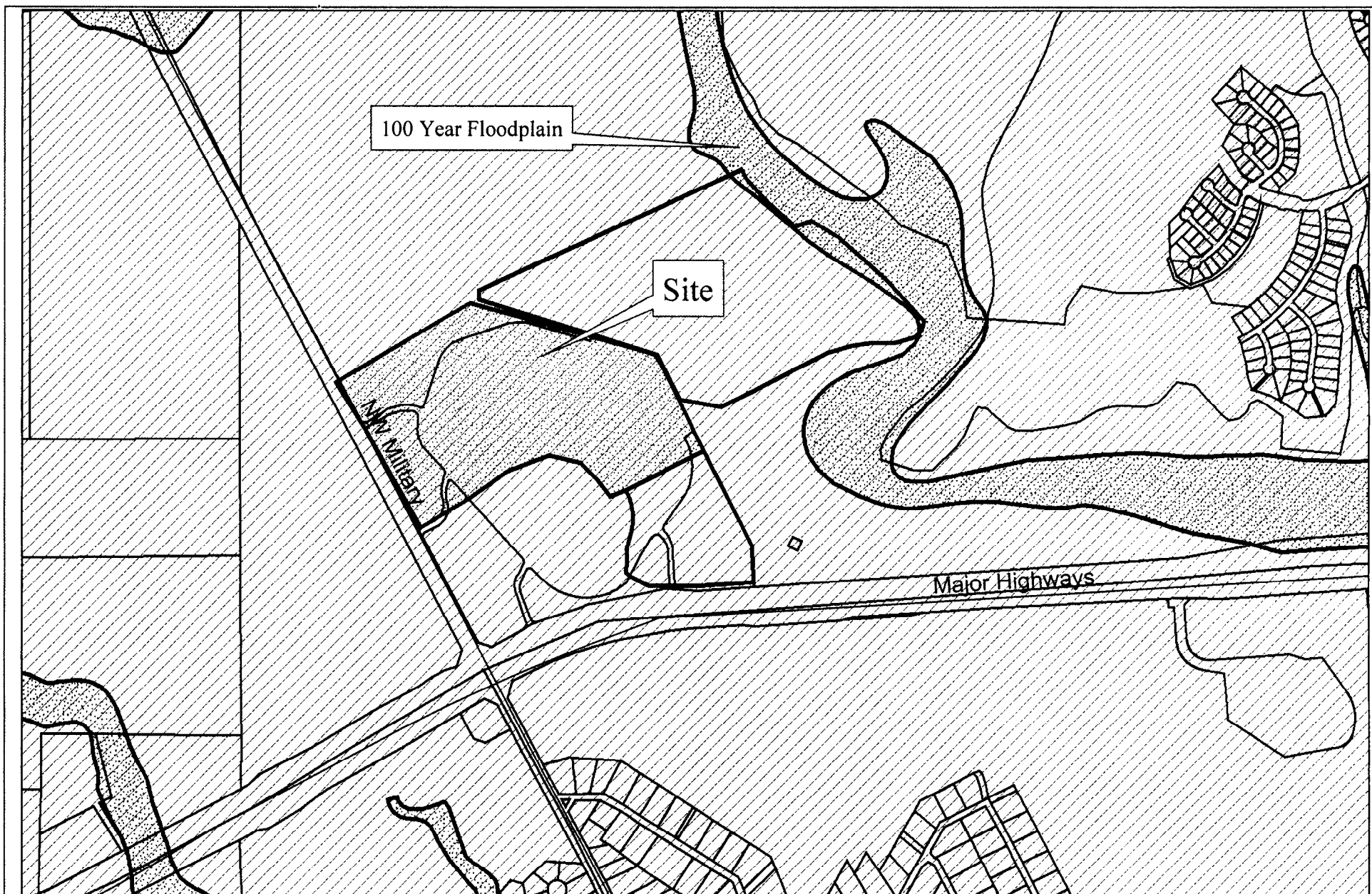
Map Page 515 B3

X = 2107282 Y=13767971

Map Prepared by Aquifer Protection and Evaluation KJS 5/16/2005



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**Zoning Case Z2005092**

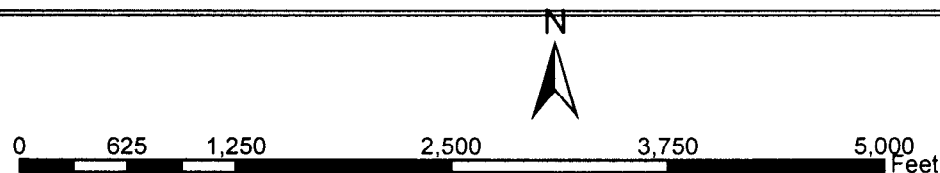
**Figure 2**

Presidio Heights

Map Page 515 B3

X = 2107282 Y=13767971

Map Prepared by Aquifer Protection and Evaluation KJS 5/16/2005



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