

_____ Notices Mailed
 _____ In Opposition
 _____ In Favor

ZONING CASE: Z2005-221

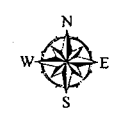
City Council District No. 9
 Requested Zoning Change

From PUD "MF-33 ERZD", "R-6 ERZD" To "C-2 ERZD, RP ERZD"

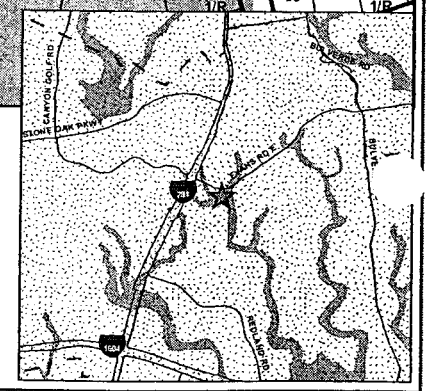
Date: November 03, 2005

Scale: 1" = 300'

■ Subject Property
 ○ 200' Notification



C:\Oct_4_2005



CASE NO: Z2005221

Staff and Zoning Commission Recommendation - City Council

Continuance from October 13, 2005

Date: November 03, 2005

Zoning Commission Meeting Date: October 04, 2005

Council District: 9

Ferguson Map: 483 D6 & 7

Applicant:

Owner:

Brown, P. C.

Tonkiwa, Ltd.

Zoning Request:

From PUD "MF-33 ERZD" Planned Unit Development Multi-Family Edwards Recharge Zone District and "R-6 ERZD" Residential Single-Family Edwards Recharge Zone District to "C-2 ERZD" Commercial Edwards Recharge Zone District on 14.89 acres and "RP ERZD" Resource Protection Edwards Recharge Zone District on 12.25 acres

27.14 acres out of NCB 17600

Property Location:

South of the intersection of Encino Commons and Evans Road

Proposal:

To develop a retail center

Neighborhood
Association:

Encino Park Home Owner Association (within 200 feet)

Neighborhood Plan:

None

TIA Statement:

A Level-1 Traffic Impact Analysis (TIA) was submitted and is in compliance with TIA Ordinance 91700. The TIA recommends that they make provisions for 70 feet of right-of-way at the intersection of Evans Road and the western most driveway in order to provide for the extension of Encino Ledge.

Staff Recommendation:

Approval

The subject property is located east of the intersection of two major thoroughfares, Evans Road and North 281. There are commercial uses to the north and west, and residential uses to the south and east.

"C-2" Commercial District at this site would be a continuation of the commercial uses to the west. This district would serve as a buffer between the street and the residential uses to the south. Furthermore, the "RP" district would serve as a buffer between the potential retail center and the single-family residential homes to the south and east. The "C-2" commercial district is designed to offer uses that would serve the community with a broad range of commercial uses. This zoning change would be appropriate at this location.

SAWS Summary:

1. SAWS recommends approval of the proposed land use.
2. This site is a Category 1 property.
3. SAWS recommends that the impervious cover on the site shall not exceed 50%.

Zoning Commission Recommendation:

Approval

CASE MANAGER : Robin Stover 207-7945

VOTE

FOR 9

AGAINST 1

ABSTAIN 0

RECUSAL 0

Z2005221

ZONING CASE NO. Z2005221 – October 4, 2005

Applicant: Brown, P. C.

Zoning Request: PUD "MF-33" ERZD Planned Unit Development Multi Family Edwards Recharge Zone District to and "R-6" ERZD Residential Single Family Edwards Recharge Zone District to "C-2" Commercial Edwards Recharge Zone District on 14.89 acres and "RP" Resource Protection District on 12.25 acres.

Ken Brown, 112 E. Pecan, representing the owner, stated their intent is to develop the property as a commercial retail center. He stated they are also requesting "RP" zoning designation, which would provide an environmental buffer and a neighborhood buffer. In addition, they would also provide a 25-foot buffer inside the flood plain line. He further stated they have reviewed SAWS recommendations and are in agreement. He stated the surrounding uses are commercial uses therefore he feels this request is consistent.

Staff stated there were 66 notices mailed out to the surrounding property owners, 4 returned in opposition and 3 returned in favor and no response from Encino Park Homeowners Association.

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 Robbins to recommend approval with SAWS recommendations.

1. Property is located on 27.14 acres out of NCB 17600, east of the intersection of Highway 281 North and Evans Road.
2. There were 66 notices mailed, 4 returned in opposition and 3 in favor.
3. Staff recommends approval.

AYES: Martinez, Robbins, Farias, Marshall, Sherrill, McAden, Avila, Stribling, Gray

NAYS: Rodriguez

THE MOTION CARRIED

Z2005221

RESULTS OF COUNCIL HEARING October 20, 2005

City Council granted a continuance until November 3, 2005

RESULTS OF NOTICE FOR COUNCIL HEARING

To be provided at Council hearing

SAN ANTONIO WATER SYSTEM
Interdepartment Correspondence Sheet

DEV. SERVICES

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., Mike Barr, Resource Protection Specialist II, Aquifer Protection & Evaluation Section, File
Subject: Amended Zoning Case Z2005221 (Encino Park Retail Center)

Date: October 11, 2005

SUMMARY

A request for a change in zoning has been made for an approximate 27.14-acre tract located on the city's north side. A change in zoning from **MF-33 ERZD** to **C-2 ERZD** for 14.89 acres **and R-6 ERZD to RP ERZD** for 12.25 acres is being requested by the applicant, Brown, P.C., by Mr. Kenneth W. Brown. The change in zoning has been requested to allow a retail center.

As of the date of this report, an official request for a site specific category determination or an official request for a "substantial alteration" determination has not been received by the Aquifer Protection & Evaluation Division. Based on the information provided, this property is a Category 2 property and shall be developed in accordance with all the provisions stated in Ordinance No. 81491 governing development on the Edwards Aquifer Recharge Zone. However, if the appropriate information is provided to the Aquifer Protection & Evaluation Section, this property may be determined to be a Category 1 property. If the property is determined to be a Category 1 property, staff recommends that the owner/operator use criteria outlined in Section 34-970 "Best Management Practices".

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, at the intersection of Evans Road and Encino Commons. The property lies within the Edwards Aquifer Recharge Zone (Figures 1 and 2).

SITE EVALUATION

1. Development Description:

The proposed change is from **MF-33 ERZD** to **C-2 ERZD** (14.89 Acres) and **R-6 ERZD** to **RP ERZD** (12.25 Acres) and will allow for the construction of a retail center. The property lies within the Edwards Aquifer Recharge Zone (Figures 1 and 2).

2. Surrounding Land Uses:

A single-family residential subdivision is east and south of the property. An undeveloped lot abuts the property boundary on the west side. Evans Road bound the northern boundary.

3. Water Pollution Abatement Plan:

The 27 Acre Evans Road Tract Water Pollution Abatement Plan (WPAP) was approved by the Texas Commission on Environmental Quality (TCEQ) on June 11, 2001. This WPAP has been approved for only mass grading and clearing of the site. There were a total of nine geologic features. Two features are rated as being sensitive. Feature S-32 is a zone of fractured solution enhanced rock and is still apparent at the site. The other feature (S-33) is described in the Geologic Assessment as a zone of fractured rock. As per the WPAP and approval by TCEQ, feature S-33 has been sealed with fill material. A WPAP will be required to be submitted to and approved by the TCEQ prior to commencement of construction.

4. Geologic Features:

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. Outcropping of bedrock was observed onsite. According to FEMA Flood Insurance Maps, a portion of the subject site is located within the 100-year floodplain. A 25-foot buffer is being proposed for the floodplain.

Additionally, staff reviewed the geologic assessment in the WPAP prepared by Pape-Dawson Engineers, and noted two sensitive recharge features. The geologic features were rated as sensitive and significant in the Geologic Assessment. One feature (S-32) was a zone of fractured solution enhanced rock that is still visible in a dry creek bed. The other feature (S-33) was described in the Geologic Assessment as a zone of fractured rock. This could not be verified onsite due to coverage by fill material.

All other features identified in the Geologic Assessment appear to have limited potential for recharge to the Edwards Aquifer.

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.
- C. 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.

ENVIRONMENTAL RECOMMENDATIONS

The following recommendations 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 50% for the 14.89 acres and shall be 0% for the 12.25 acres.
2. The applicant shall be required to have a 25-foot buffer adjacent to the 100-year floodplain.
3. The retail center shall only allow land uses or activities that are in conformance with the table of permitted uses. 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.
4. The owner of all water pollution abatement structures shall ensure that these structures are 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.
5. Landscaped areas shall be sensitive to minimizing water needs, i.e., use of native plants. Each tenant within the retail center development shall be informed by the 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.
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. 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.


7. If any sensitive 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

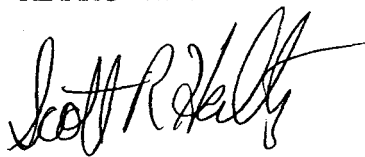
1. Prior to the release of any building permits the owner/operator of any Category 2 property shall submit an Aquifer Protection Plan to the Resource Protection Division of the San Antonio Water System.
2. Prior to the release of any building permits, the following shall be submitted to the SAWS Aquifer 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.
3. 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.
4. 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.
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.

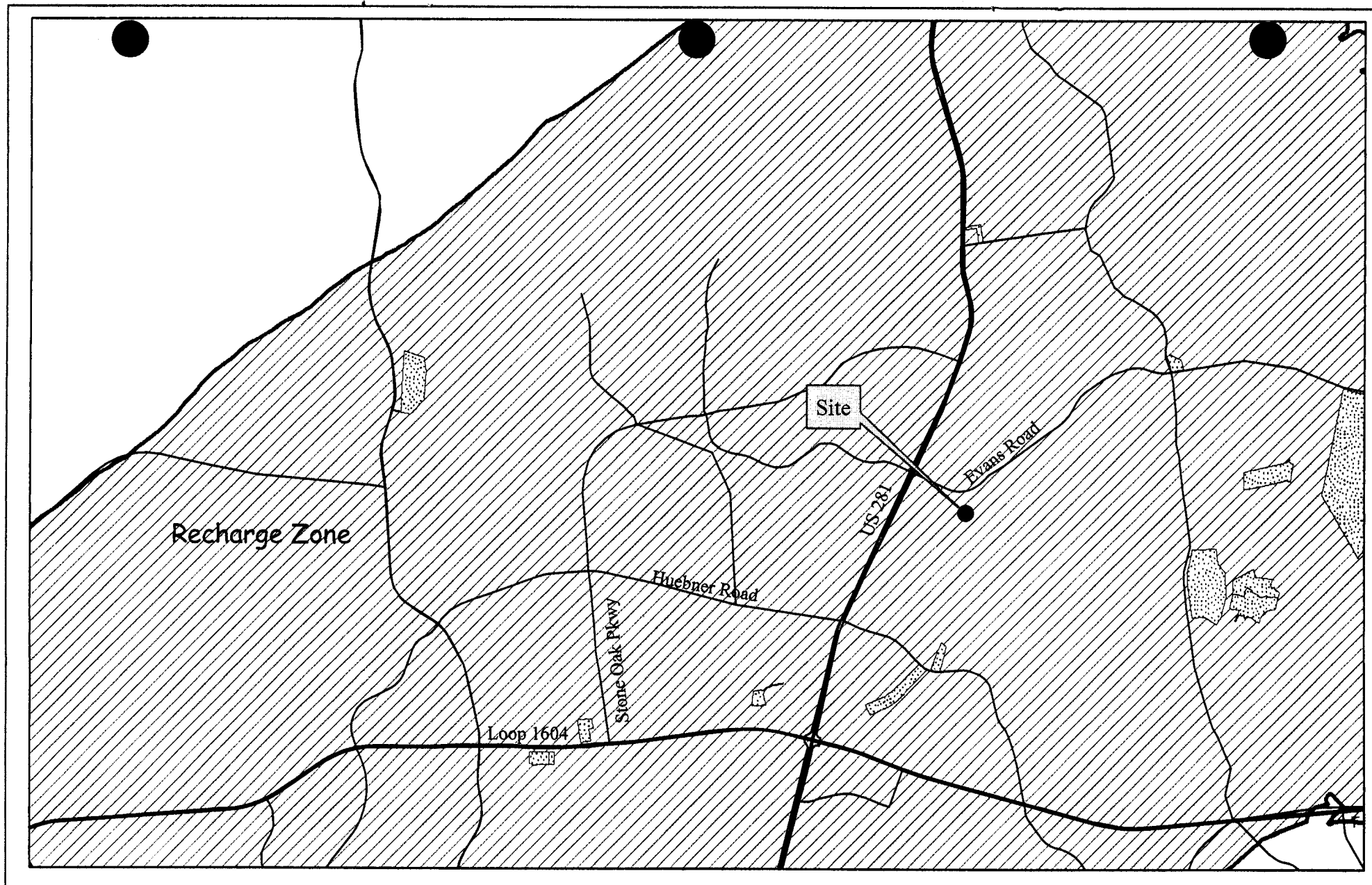
Based on the site evaluation of the property, and the information submitted by the applicant, staff recommends **approval** of the proposed land use. Additionally, SAWS staff recommends that the applicant, or any future owner, comply with the above recommendations in regards to the development of the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


Kirk M. Nixon
Manager
Resource Protection Division

APPROVED:


Scott R. Halty
Director,
Resource Protection & Compliance Department

KMN:MJB



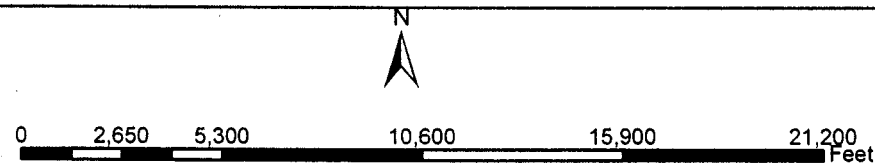
Zoning Case No. Z2005221 Figure 1

Encino Park Retail Center

Map Page 483 D6

X=2142759 Y=13778161

Map Prepared by Aquifer Protection and Evaluation MJB 9/6/2005



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