

ZONING CASE: Z2006-047

City Council District No. 10
 Requested Zoning Change
 From "NP-10 ERZD" To "RM-4 ERZD"

Date: May 4, 2006

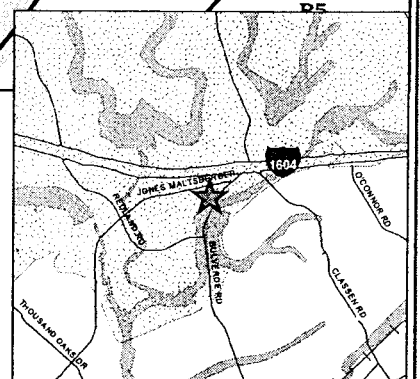
Scale: 1" = 300'

Subject Property

200' Notification



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CASE NO: Z2006047

Staff and Zoning Commission Recommendation - City Council

Date: May 04, 2006

Zoning Commission Meeting Date: April 04, 2006

Council District: 10

Ferguson Map: 518 B4

Applicant:

Owner:

Brown, P. C.

Centex Homes

Zoning Request: From "NP-10 ERZD" Neighborhood Preservation Edwards Recharge Zone District to "RM-4 ERZD" Residential Mixed Edwards Recharge Zone District

Parcel 4A and Parcel 19, NCB 17725

Property Location: 17120 Bulverde Road

Between Bulverde Road and Jones Maltsberger Road

Proposal: Townhome community

Neighborhood Association: None

Neighborhood Plan: None

Traffic Impact Analysis

A traffic impact analysis is not required.

Staff Recommendation:

Approval

The subject property is currently undeveloped and located between Jones Maltsberger Road and Bulverde Road a major thoroughfare. The subject property is adjacent to "NP-10 ERZD" Neighborhood Preservation Edwards Recharge Zone District to the southwest (vacant), "C-2 ERZD" Commercial Edwards Recharge Zone District across Bulverde Road to the southeast (vacant) and "C-3 ERZD" General Commercial Edwards Recharge Zone District across Jones Maltsberger Road to the north (vacant). The purpose of the rezoning is to develop a townhome community on the subject property. The "RM-4 ERZD" Residential Mixed Edwards Recharge Zone District would be appropriate at this location.

The zoning was converted from "R-A ERZD" Residence-Agriculture Edwards Recharge Zone District to a "NP-10 ERZD" Residential Mixed Edwards Recharge Zone District with the adoption of the 2001 Unified Development Code (UDC).

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

Zoning Commission Recommendation:

Approval with SAWS recommendations

CASE MANAGER : Pedro Vega 207-7980

VOTE

FOR	11
AGAINST	0
ABSTAIN	0
RECUSAL	0

Z2006047

ZONING CASE NO. Z2006047 – April 4, 2006

Applicant: Brown, P. C.

Zoning Request: “NP-10” ERZD Neighborhood Preservation Edwards Recharge Zone District to “RM-4” ERZD Residential Mixed Edwards Recharge Zone District.

Ken Brown, 112 E. Pecan, representing the owner, stated they are requesting this change in zoning to develop a townhome project on the subject property. This project would consist of approximately 61 units. He stated they are in agreement with all of SAWS recommendation of including 30% impervious cover.

Staff stated there were 8 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 Robbins and seconded by Commissioner Martinez to recommend approval including SAWS recommendations both site specifics and general.

1. Property is located on P-4A and P-19, NCB 17725 (17.212 acres) at 17120 Bulverde Road.
2. There were 8 notices mailed, 0 returned in opposition and 2 in favor.
3. Staff recommends approval.

AYES: Avila, Robbins, Rodriguez, Westheimer, Gadberry, Marshall, Sherrill, Wright, Martinez, Stribling, Gray

NAYS: None

THE MOTION CARRIED

RESULTS OF NOTICE FOR COUNCIL HEARING

To be provided at Council hearing.

DEV. SERVICES
2006 MAR 16 A 9:38

**SAN ANTONIO WATER SYSTEM
Interdepartment Correspondence Sheet**

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: Zoning Case Z2006047 (Town-Home Community)

Date: March 21, 2006

SUMMARY

A request for a change in zoning has been made for an approximate 16.41-acre tract located on the city's north side. A change in zoning from **NP-10 ERZD** to **RM-4 ERZD** is being requested by the applicant, Brown, P.C., by Mr. Kenneth W. Brown. The change in zoning has been requested to allow for the development of a town – home community.

As of the date of this report, an official request for a 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 10, at the intersection of Jones Maltsberger and Bulverde Road. The property lies within the Edwards Aquifer Recharge Zone (Figures 1 and 2).

SITE EVALUATION

1. Development Description:

The proposed change is from NP-10 ERZD to RM-4 ERZD and will allow for the construction of town – home community. Currently the site is undeveloped with dense vegetation.

2. Surrounding Land Uses:

Jones Maltsberger Road and an undeveloped property lie north of the property. Bulverde Road and a floodplain lies south and east of the property. A power line easement lies west of the property.

3. 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 the commencement of construction.

4. Geologic Conditions:

The Resource Protection Division of the San Antonio Water System conducted a site evaluation, on February 14, 2006, 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.

Using U.S. Geological Survey Water-Resources Investigations Report 95-4030 it was determined that the subject site was underlain by the Leached and Collapsed and the Cyclic and Marine Members of the Edwards Aquifer.

The Leached and Collapsed Member is generally one of the most permeable units of the Edwards. It is generally 70 to 90 feet thick in full section.

The Cyclic and Marine Member is characterized by both fabric and non-fabric permeability. It is 80 to 90 feet thick in full section.

On site observations were hindered by alluvium and dense vegetation. No Geologic Assessment was available for the project site. No significant features were observed during the site evaluation.

ENVIRONMENTAL CONCERNS

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

Site Specific Concerns

1. A portion of the property lies within Long Creek Floodplain, along the southern portion, where recharge may occur.

General Concerns

1. The improper use of pesticides, herbicides, or fertilizers needed for landscape maintenance may be carried off in the first flush of stormwater run-off.
2. 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:

Site Specific Recommendations

1. The impervious cover shall not exceed 30% on the site.
2. A floodplain buffer shall be provided along the south and southeast border of the property as required in Ordinance No. 81491, Section 34-913.
3. The land uses within the project site 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 the project 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 not allowed, that land use will not be permitted on the project site.

4. The owner of all water pollution abatement structures shall ensure 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 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.
6. The applicant shall notify the Construction Compliance Section of the Resource Compliance Division of SAWS at (210) 233-3564 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) 233-3526.
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 TCEQ at (210) 490-3096 and the Resource Protection Division of the SAWS at (210) 233-3526.

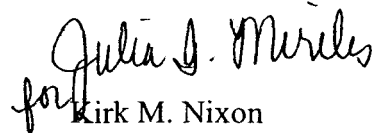
General Recommendations

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 ,

- 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) 233-3526 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) 233-3526 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) 233-3564 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.

Zoning Commission Members
Z2006047 (Town-Home Community)
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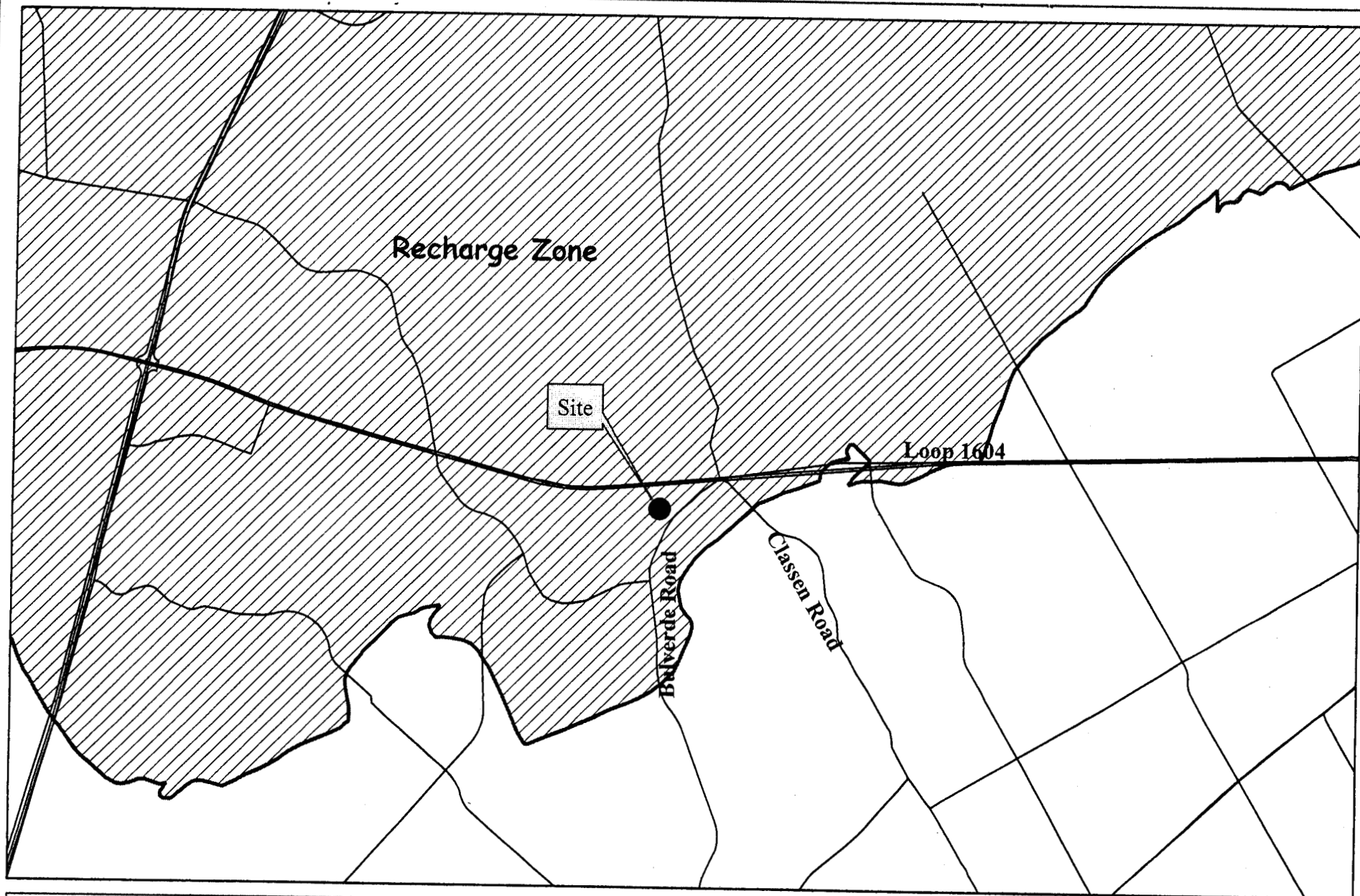
Based on the site evaluation of the property, and the information submitted by the applicant, staff recommends **approval** of the proposed land use. Additionally, SAWS staff recommends that the applicant, or any future owner, comply with the above recommendations in regards to the development of the subject property.


for Kirk M. Nixon
Manager
Resource Protection Division

APPROVED:


Scott R. Halty
Director,
Resource Protection & Compliance Department

KMN:MJB



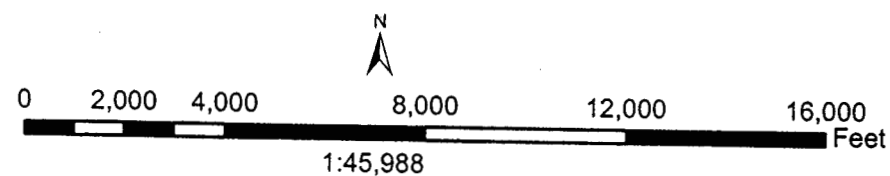
Zoning Case No. Z2006047 Figure 1

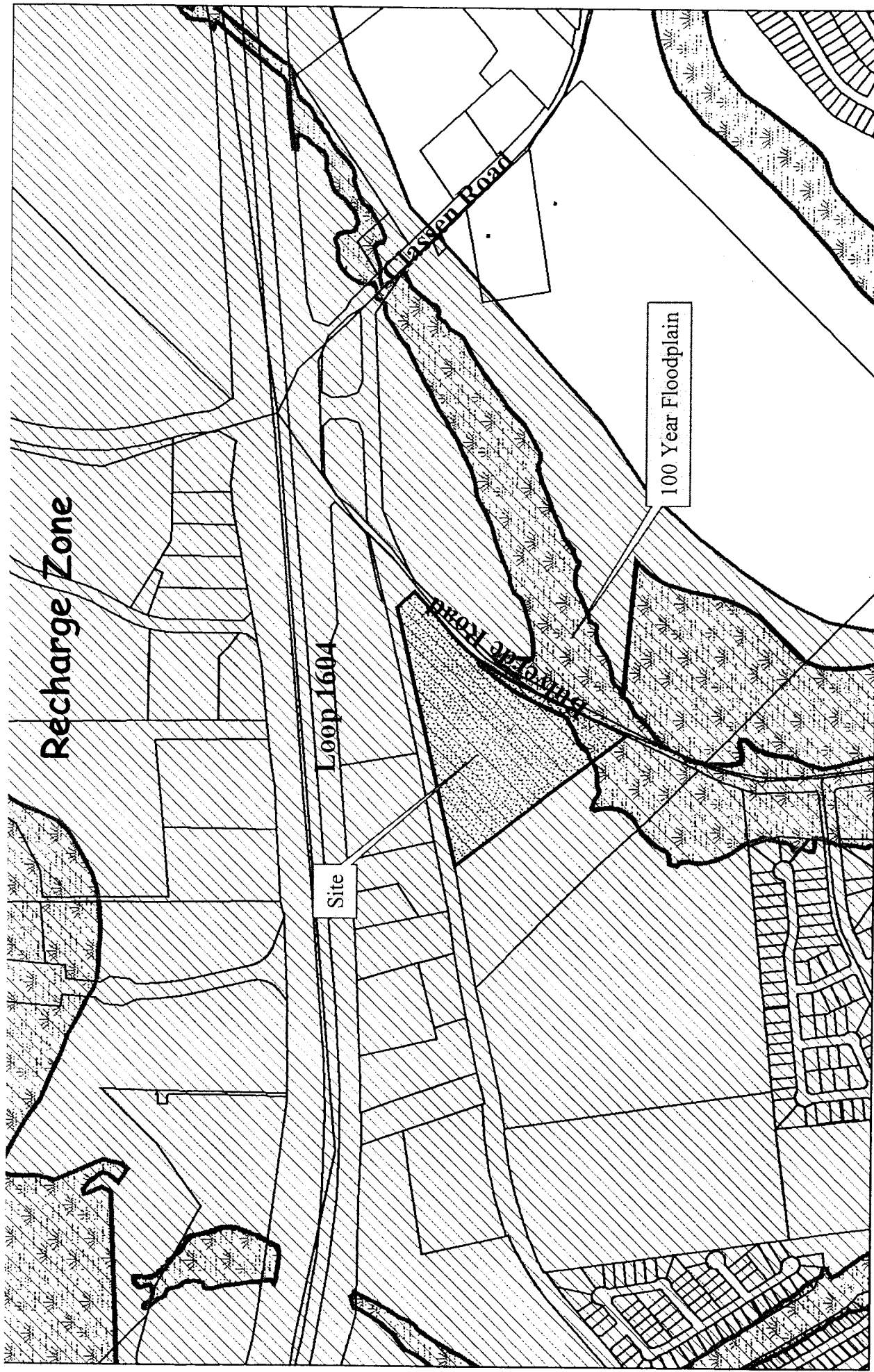
Townhome Community

Map Page 518 B4

X=2151614 Y=13765370

Map Prepared by Aquifer Protection and Evaluation MJB 2/3/2006





Zoning Case No. Z2006047 Figure 2

Townhome Community

Map Page 518 B4

X=2151614 Y=13765370

Map Prepared by Aquifer Protection and Evaluation MJB 2/3/2006



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