

ZONING CASE: Z2006-061

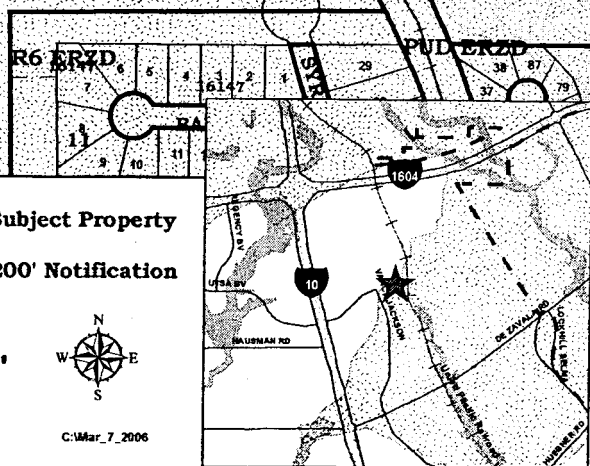
City Council District No. 8
 Requested Zoning Change
 From "I-1 ERZD, I-1, MF-33" To "MF-50 ERZD," "MF-50"
 Date: June 1, 2006
 Scale: 1" = 400'

Subject Property

200' Notification



C:\Mar_7_2006



CASE NO: Z2006061

Staff and Zoning Commission Recommendation - City Council

Date: June 01, 2006

Zoning Commission Meeting Date: May 02, 2006

Council District: 8

Ferguson Map: 514 E6

Applicant:

Owner

Brown, P. C.

Galleria Ventures, Ltd.

Zoning Request:

From "I-1 ERZD" General Industrial Edwards Recharge Zone District, "I-1" General Industrial District, "MF-33" Multi-family District and "MF-33 ERZD" Multi-Family Edwards Recharge Zone District to "MF-50 ERZD" Multi-Family Edwards Recharge Zone District and "MF-50" Multi-Family District

35 acres out NCB 15825

Property Location:

East of the intersection of UTSA Boulevard and Vance Jackson

Intersection of UTSA Boulevard and Vance Jackson

Proposal:

To Develop an Apartment Community

Neighborhood Association: None

Neighborhood Plan: None

Traffic Impact Analysis:

In 1997 a TIA was submitted, however, the City will require a new TIA for this proposed development. An amended POADP/MDP is needed addressing the 86' ROW extending eastward from Vance Jackson/UTSA Blvd intersection

Staff Recommendation:

Approval. The property is located at the intersection of UTSA Boulevard and Vance Jackson. The property was zoned temporary Temp R-1 and rezoned to I-1 on December 5, 1974.

The requested rezoning is a reduction in intensity from I-1 to MF-50. To the north there exists I-1 zoning, however the land is vacant and undeveloped. Railroad tracks are located on the east side of the tract. To the south exists MF-33 zoning. MF-33 zoning at this location acts as a transition from the I-1 zoning to the north. The property is located at the intersection of two major thoroughfares. Multi-family dwellings are most appropriate along arterials or major thoroughfares where supporting infrastructure such as transportation services and commercial facilities are available.

Zoning Commission Recommendation:

Approval with SAWS recommendations

CASE MANAGER : Richard Ramirez 207-5018

VOTE

FOR	10
AGAINST	0
ABSTAIN	0
RECUSAL	0

Z2006061

ZONING CASE NO. Z2006061 – May 2, 2006

Applicant: Brown, P. C.

Zoning Request: "I-1" ERZD General Industrial Edwards Recharge Zone District, "I-1" General Industrial District, "MF-33" Multi Family District and "MF-33" ERZD Multi Family Edwards Recharge Zone District to "MF-50" ERZD Multi-Family Edwards Recharge Zone District.

Ken Brown, 112 E. Pecan, representing the owner, stated D. R. Horton is proposing to develop an apartment community on this 35-acre tract. This development would be a mixed use of townhomes, condominiums and mid rise apartments. He stated they are proposing to develop approximately 700 units at 5 to 6 stories.

Staff stated there were 7 notices mailed out to the surrounding property owners, 0 returned in opposition and 4 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 including site specific and general recommendations from the SAWS report.

1. Property is located on 35 acres out of NCB 15825 east of the intersection of UTSA Boulevard and Vance Jackson.
2. There were 7 notices mailed, 0 returned in opposition and 4 in favor.
3. Staff recommends approval.

AYES: Avila, Robbins, Rodriguez, Gadberry, Sherrill, McAden, Martinez, Stribling, Gray

NAYS: None

THE MOTION CARRIED

RESULTS OF NOTICE FOR COUNCIL HEARING

To be provided at Council hearing.

DEV. SERVICES

2006 APR 10 P 1:38

**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 Z2006061 (Apartment Community)

Date: April 4, 2006

SUMMARY

A request for a change in zoning has been made for an approximate 35-acre tract located on the city's north side. A change in zoning from **I-1 ERZD and MF-33 ERZD and I-1** to **MF-50 ERZD and MF-50** is being requested by the applicant, Brown, P.C., Inc. The change in zoning has been requested to allow for the development of an apartment 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, at the intersection of Vance Jackson and UTSA Blvd. A total of 16.4 acres of the property lies within the Edwards Aquifer Recharge Zone. The remaining 18.6 acres are located on the contributing zone (Figures 1 and 2).

SITE EVALUATION

1. Development Description:

The proposed change is from I-1 ERZD and I-1 to MF-50 ERZD and MF-50 and will allow for the construction of an apartment community. Currently the site is covered in native vegetation and undeveloped.

2. Surrounding Land Uses:

The property is bounded to the east by an abandoned quarry. An elementary school is located to the south of the property. Undeveloped land is located to the north and 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 Upper Confining Unit and Cyclic and Marine Members of the Edwards Aquifer. The contact between these two members marks the boundary between the Recharge Zone and the Contributing Zone.

The Upper Confining Unit is noted for its lack of permeability and forms the upper confining unit of the Edwards Aquifer. It is 110 to 150 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.

A fault is mapped in the southeastern portion of the project site. This has the potential to be the most vulnerable portion of the project site. No surface evidence for this fault was observed during the site evaluation, so it must be considered to be an inferred fault. Observation of geologic features was impeded by dense vegetation and alluvium.

No Geologic Assessment was available at the time of the site evaluation. No significant recharge features were observed on the project site.

ENVIRONMENTAL CONCERNS

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

General Concerns

1. 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.
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 68% for the overall 35 acre project site.
2. 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.
3. 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.
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) 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.
6. 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) 233-3526.

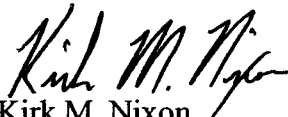
General Recommendations

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 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) 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.

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.

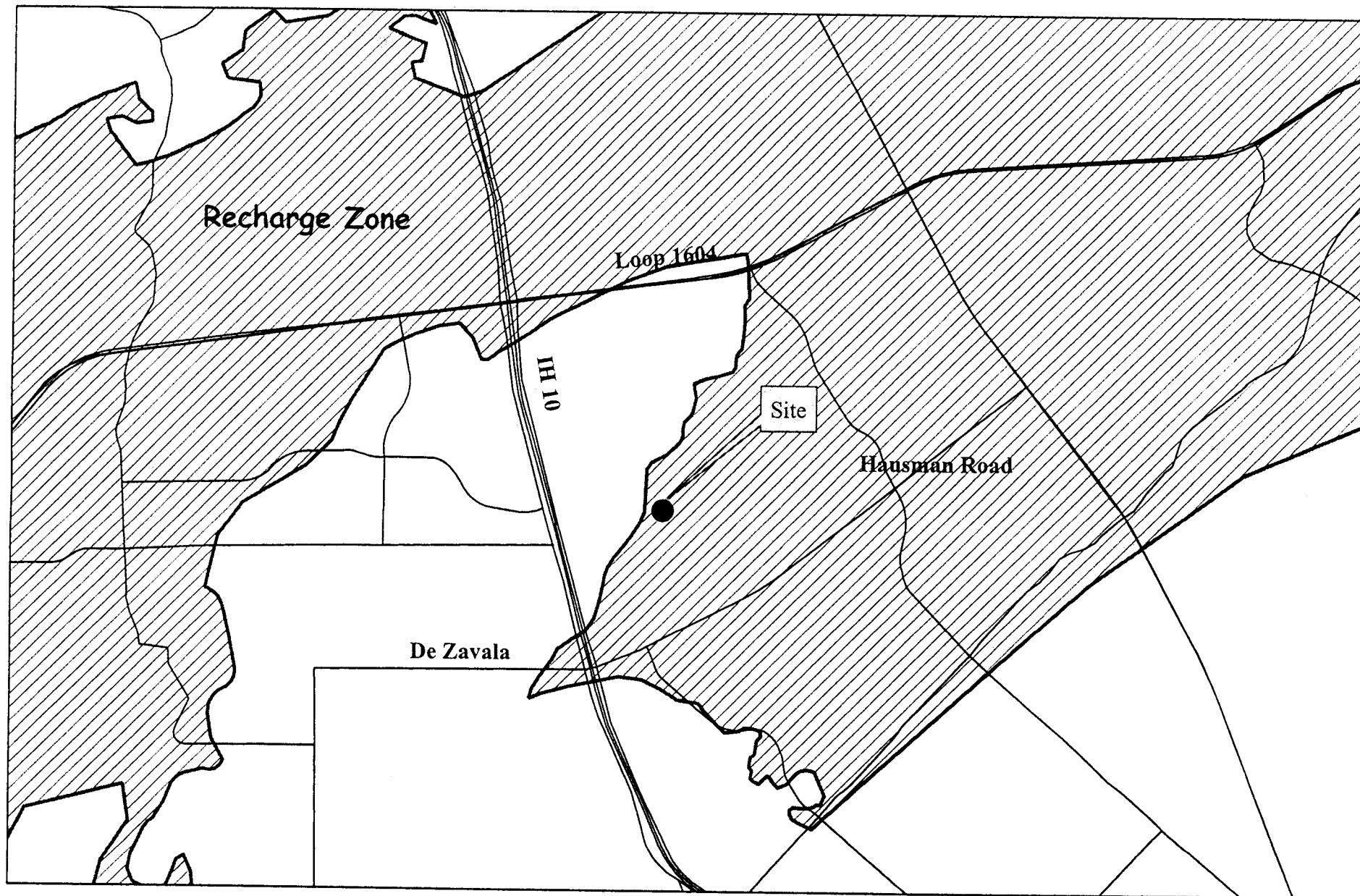

Kirk M. Nixon
Manager

Resource Protection Division

APPROVED:


Scott R. Halty
Director,
Resource Protection & Compliance Department

KMN:MJB



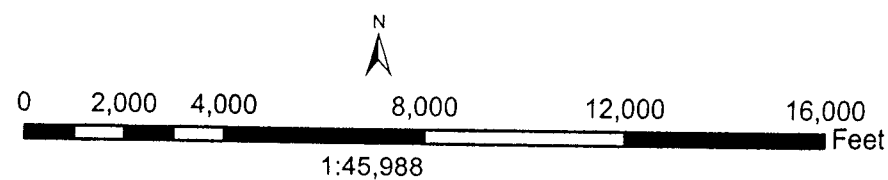
Zoning Case No. Z2006061 Figure 1

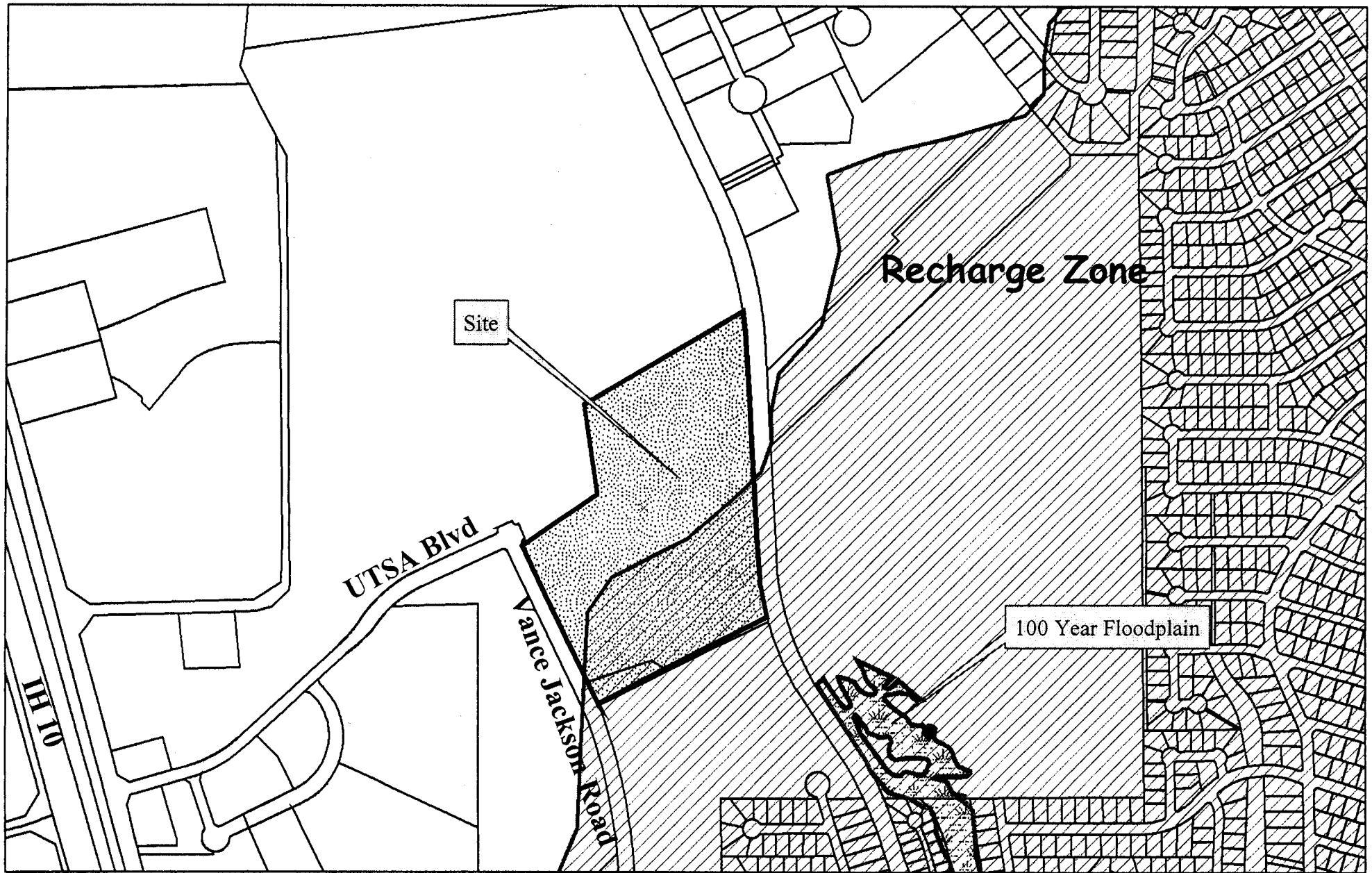
Apartment Community

Map Page 514 E6

X=2100337 Y=13757151

Map Prepared by Aquifer Protection and Evaluation MJB 2/7/2006





Zoning Case No. Z2006061 Figure 2

Apartment Community

Map Page 514 E6

X=2100337 Y=13757151

Map Prepared by Aquifer Protection and Evaluation MJB 2/7/2006

