

# **ZONING CASE: Z2006-026**

City Council District No. 8

Requested Zoning Change

From: "R-6 ERZD" "O-2" "O-2 ERZD" "C-2" "C-2 ERZD"

To: "MPCD" "MPCD ERZD"

Date: June 1, 2006

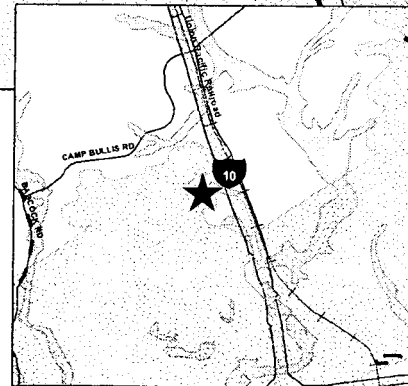
Scale: 1" = 400'

Subject Property

200' Notification



C:\Apr\_4\_2006



# CASE NO: Z2006026

## Staff and Zoning Commission Recommendation - City Council

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City Council Continuance from May 18, 2006

Date: June 01, 2006

Zoning Commission Meeting Date: April 18, 2006

Council District: 8

Ferguson Map: 514 B2/C2

Appeal:

Applicant:

Owner

Brown, P. C.

West World Holding, Inc.

Zoning Request:

From "R-6 ERZD" Residential Single-Family Edwards Recharge Zone District, "O-2" Office District, "O-2 ERZD" Office Edwards Recharge Zone District, "O-2" GC-1 Office District Gateway Corridor Overlay District-1, "O-2 ERZD" GC-1 Office Edwards Recharge Zone District Gateway Corridor Overlay District-1, "C-2" Commercial District, "C-2 ERZD" Commercial Edwards Recharge Zone District, "C-2" GC-1 Commercial District Gateway Corridor Overlay District-1, "C-2 ERZD" GC-1 Commercial Edwards Recharge Zone District Gateway Corridor Overlay District-1 to "MPCD" Master Planned Community District, "MPCD ERZD" Master Planned Community Edwards Recharge Zone District, "MPCD" GC-1 Master Planned Community Gateway Corridor Overlay District-1 and "MPCD ERZD" GC-1 Master Planned Community Edwards Recharge Zone Gateway Corridor Overlay District-1

119.204 acres out of NCB 34762 and 1.925 acres out of NCB 14859

Property Location:

17855 IH 10 West

IH 10 West, North of La Cantera Parkway

Proposal:

To Develop a Master Planned Community of Residential, Commercial and Hotel Uses

Neighborhood Association:

Legend Hills Homeowner's Association (within 200 feet)

Neighborhood Plan:

None

TIA Statement:

A Level-3 Traffic Impact Analysis is required and has been submitted.

Staff Recommendation:

Approval

Master Planned Community Districts are preferable when properties identified in a rezoning application are intended for mixed uses and consist of large acreages. This district promotes master planned communities that typically guarantee a comprehensive development that promotes compatibility and inner-connectivity within a mixed use project, traits that may be unavailable when lands are rezoned and developed independent of each other.

The property, consisting of about 120 acres, was annexed in December of 1998 and rezoned to O-1 and B-2 in the years immediately following. The ERZD designation was applied in 1999. The adoption of the 2001 UDC resulted in the existing zoning districts being converted to O-2 and C-2. In 2003, the Gateway Corridor overlay was applied, resulting in the removal of the Urban Corridor overlay which had been applied in 1993.

# CASE NO: Z2006026

## Staff and Zoning Commission Recommendation - City Council

The approximate west half of the property is located over the recharge zone while the east half lies over what is referred to as the "contributing zone."

The purpose of the rezone to MPCD is to develop a master planned community with a variety of residential (about 51.5 acres) and commercial (about 35 acres). Mixed uses are proposed on an additional 16 acres. Overall, the proposed project consists of a mix of single-family and multi-family residential development totaling about 1,400 dwelling units and uses including retail (70,000 square feet) and office (220,000 square feet) space, restaurants and a 200 room hotel (150,000 square feet). About 16 acres, generally along the west and north property boundaries, has been identified by the applicants as open space and about 2.5 acres at the northwest corner of the proposed development has been identified as public park space. Parks and designated open space are required in the MPCD on a percentage basis.

The applicants have submitted the required MPCD site plan with the zoning application. This site plan must be reviewed and receive a recommendation from the Zoning Commission. As the site plan is a component of the MPCD zoning district, the Council must also consider and take action on the site plan and language that reflects a mandatory adherence to the site plan must be contained in the zoning ordinance. The minimum requirements of a site plan are that proposed land uses, including single and multi-family residential uses, office uses and commercial uses must be identified on the plan by location, type, density and size. The applicant's site plan meets this standard. Should an applicant request an amendment to an approved MPCD site plan, they may do so administratively if the city determines the amendment is a minor one. Should the amendment be a major one, the criteria being listed in Section 35-345(e)(2) of the Unified Development Code, the proposed amendment must be returned to the Zoning Commission and City Council for recommendation and approval.

### SAWS Summary

1. SAWS recommends approval of the proposed land use.
2. SAWS currently identifies the property as a Category 2 property.
3. SAWS recommends a maximum impervious cover of 65%.

### Zoning Commission Recommendation:

Approval with SAWS Recommendations

**CASE MANAGER :** Matthew Taylor 207-5876

### VOTE

<b>FOR</b>	10
<b>AGAINST</b>	0
<b>ABSTAIN</b>	0
<b>RECUSAL</b>	0

**Z2006026**

**ZONING CASE NO. Z2006026** – April 18, 2006

Applicant: Brown, P. C.

Zoning Request: "R-6" ERZD Residential Single-Family Edwards Recharge Zone District, "O-2" Office District, "O-2" ERZD Office Edwards Recharge Zone District, "O-2" "GC-1" Office District Gateway Corridor Overlay District-1, "O-2" ERZD "GC-1" Office Edwards Recharge Zone District Gateway Corridor Overlay District-1, "C-2" Commercial District, "C-2" ERZD Commercial Edwards Recharge Zone District, "C-2" "GC-1" Commercial District Gateway Corridor Overlay District-1, "C-2" ERZD "GC-1" Commercial Edwards Recharge Zone District Gateway Corridor Overlay District-1 to "MPCD" Master Planned Community District, "MPCD" ERZD Master Planned Community Edwards Recharge Zone District, "MPCD" "GC-1" Master Planned Community Gateway Corridor Overlay District-1 and "MPCD" ERZD "GC-1" Master Planned Community Edwards Recharge Zone Gateway Corridor Overlay District-1

Ken Brown, 112 E. Pecan, representing the owner, stated a portion of the property is in the contributing zone therefore SAWS does not have the authority to impose impervious cover. He stated they have agreed to restrictive covenant on the entire property. This request is a Master Plan Mixed Use Planned Unit Development, which is appropriate for this area. He stated he has been in contact with the representatives from Legend Hills Homeowner's Association and are now in support.

Staff stated there were 14 notices mailed out to the surrounding property owners, 0 returned in opposition and 0 returned in favor and no response from Legend Hills Homeowner's 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 Stribling and seconded by Commissioner Martinez to recommend approval with SAWS recommendation both site specific and general and 65% impervious cover.

**Z2006026**

1. Property is located on 119.204 acre out of NCB 34762 and 1.925 acres out of NCB 14859 at 17855 West Interstate Highway 10.
2. There were 14 notices mailed, 0 returned in opposition and 0 in favor.
3. Staff recommends approval.

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

**NAYS: None**

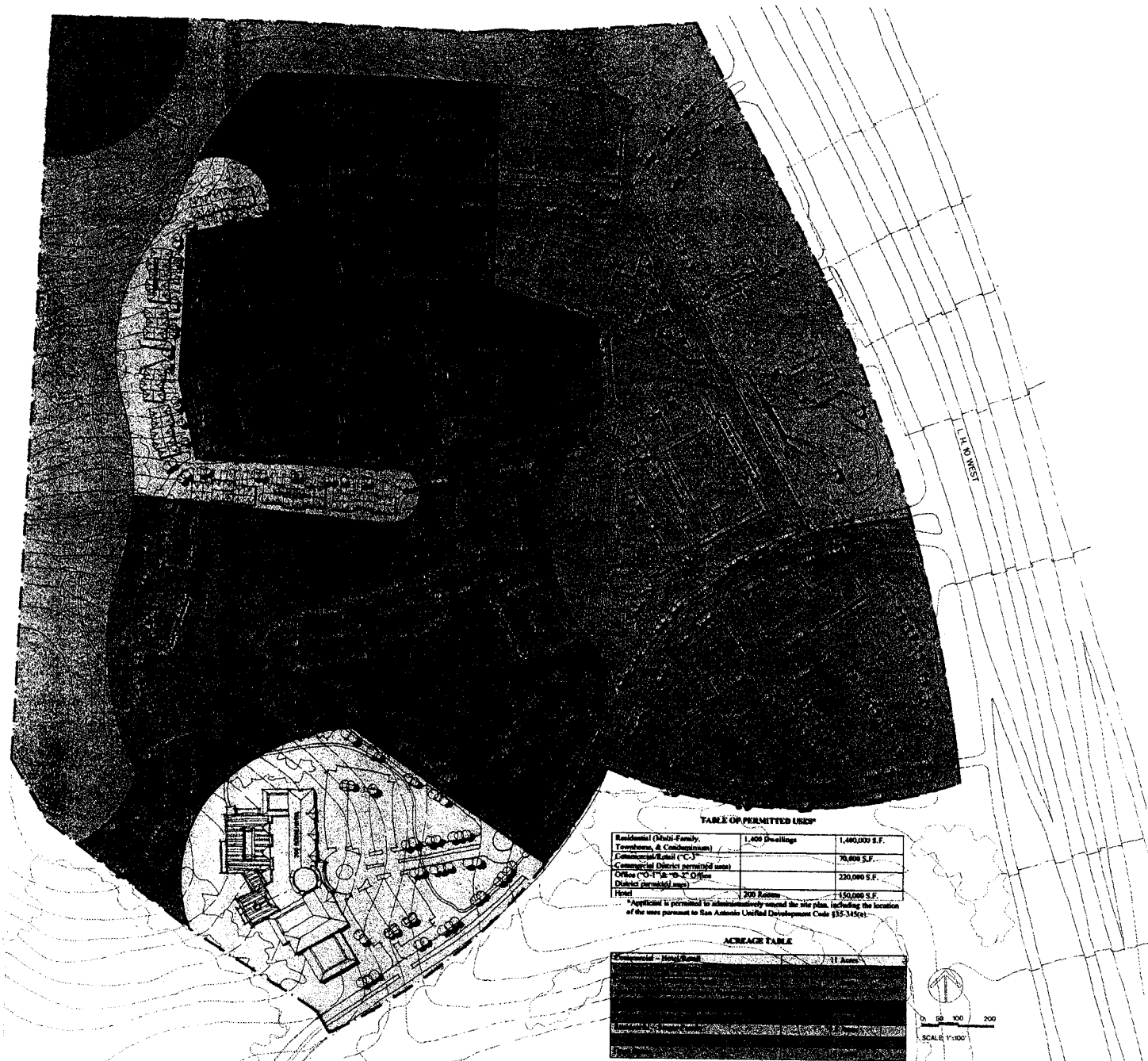
**THE MOTION CARRIED**

RESULTS OF COUNCIL HEARING May 18, 2006

City Council granted a continuance until June 1, 2006

RESULTS OF NOTICE FOR COUNCIL HEARING

To be provided at Council hearing.



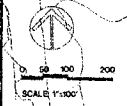
**TABLE OF PERMITTED USES\***

Residential (Multi-Family, Townhouses, & Condominiums)	1,400 Dwellings	1,400,000 S.F.
Commercial (Retail) ("C-1")		70,000 S.F.
Commercial District permitted uses		
Office ("O-1" & "O-2" Office District permitted uses)		230,000 S.F.
Hotel	200 Rooms	150,000 S.F.

\*Applicant is permitted to administratively amend the site plan, including the location of the uses pursuant to San Antonio Unified Development Code §55-345(c).

**ACREAGE TABLE**

Commercial - Hotel District	11 Acres
Commercial - Retail District	11 Acres
Commercial - Office District	11 Acres
Commercial - Mixed-Use District	11 Acres
Commercial - Community Center District	11 Acres
Commercial - Community Center District	11 Acres
Commercial - Community Center District	11 Acres
Commercial - Community Center District	11 Acres
Commercial - Community Center District	11 Acres
Commercial - Community Center District	11 Acres



SAWS SERVICES

2006 APR -11 A 11:29

**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 Z2006026 (Mixed Use Development)

**Date:** April 4, 2006

**SUMMARY**

A request for a change in zoning has been made for an approximate 121.13-acre tract located on the city's northwest side. A change in zoning from **O-2, R-6 ERZD, C-2, O-2 GC-1, C-2 GC-1, O-2 GC-1, C-2 ERZD GC-1, O-2 ERZD GC-1, C-2 ERZD, and O-2 ERZD** to **MPCD, MPCD ERZD, and MPCD ERZD GC-1** is being requested by the applicant, Brown, P.C., by Mr. Kenneth W. Brown. The change in zoning has been requested to allow a mixed use development.

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 8, near the intersection of Loop 1604 and La Cantera Pkwy. A total of 81.95 acres of the property lies within the Edwards Aquifer Recharge Zone. The remaining 39.17 acres are located on the contributing zone (Figures 1 and 2).

## **SITE EVALUATION**

### **1. Development Description:**

The proposed change is from O-2, R-6 ERZD, C-2, O-2 GC-1, C-2 GC-1, O-2 GC-1, C-2 ERZD GC-1, O-2 ERZD GC-1, C-2 ERZD, and O-2 ERZD to MPCD, MPCD ERZD, and MPCD ERZD GC-1 and will allow for the construction of a mixed – use development. Currently the site is covered in native vegetation and undeveloped. A large above ground storage tank (AST) was found on the property. According to the applicant, the AST was used for water storage.

### **2. Surrounding Land Uses:**

A portion of Crownridge Subdivision is located to the northwest of the property. Undeveloped land bounds the western and northern portion of the property. Fiesta Texas is located to the south of the property. IH 10 and The Rim Project are located to the east 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 commencement of construction.

### **4. Geologic Conditions:**

The Resource Protection Division of the San Antonio Water System conducted a site evaluation, on February 17, 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 Kirschberg Evaporite Member, Dolomitic Member, and Basal Nodular Members of the Edwards Aquifer, and the Upper Glen Rose Formation.

The Kirschberg Evaporite Member is generally one of the most permeable units of the Edwards Aquifer. It is generally 50 to 60 feet thick in full section.

The Dolomitic Member is characterized by non-fabric (structural) permeability. It is 110 to 130 feet thick in full section.

The Basal Nodular Member is characterized as having little or no permeability in the subsurface. It is the bottom most unit of the Edwards Aquifer. It is 50 to 60 feet thick in full section.

The Upper Glen Rose Formation is relatively impermeable. It is the Lower Confining Unit of the Edwards Aquifer. It is 350 to 500 feet in full section.



One cave was found on the property. It is located in the side of a streambed and appears to discharge water into the stream. It is located within the Upper Glen Rose Formation (lower confining unit of the Edwards Aquifer).

Sensitive features consist of one solution cavity and one sinkhole. Both are located on hillsides which limit their catchment area to less than 1.6 acres, therefore they are not considered significant.

A fault trending approximately N64°E is located near the center of the project. Evidence of this fault was limited to some tilting of bedding in streambeds. Since this is not conclusive evidence of the faults existence, it should be considered an inferred fault and not likely to have significant infiltration.

Two water wells were located on the property. One (S-13) was observed to be in operation with a small amount of leakage. The other (S-14) appears to have been abandoned.

## **ENVIRONMENTAL CONCERNS**

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

### **Site Specific Concerns**

1. An above ground storage tank was observed on the site and must be properly disposed of.
2. Several sensitive geologic features are located on the property and there is potential for contamination of the Edwards Aquifer. None of the sensitive features are significant.
3. An abandoned septic system was observed on the site and there is potential for contamination of the Edwards Aquifer.
4. Two wells were observed on the site. One well appears to be abandoned and the other well appears to be in operation. There is potential for contamination of the Edwards Aquifer via the wells.
5. A portion of the property lies within Leon Creek Watershed, along the eastern portion, where recharge may occur.
6. MPCD Zoning allows for certain industrial land uses that are not allowed over the recharge zone. According to the applicant the land use will be a hotel, office, retail, and multi-family.

### **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 applicant agrees not to exceed 65% impervious cover for the entire site and has agreed to deed restrict the property in order to limit the impervious cover.
2. Land uses that require an industrial designation, per the permitted use table shall not be allowed on the project site.
3. The abandoned septic systems, along with any additional septic system that may be located on the site must be properly abandoned according to City Code Chapter 34 Article V Division 2 Section 446.
4. The abandoned wells, along with any additional wells that may be located on the site must be properly plugged according to the City Code Chapter 34, Division 2 Section 574 by a registered well driller.
5. A floodplain buffer shall be provided along the eastern portion of the property as required in Ordinance No. 81491, Section 34-913.
6. 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.
7. The owner of all water pollution abatement structures shall be responsible for properly maintaining the basin and that it is 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.
8. 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.D.A, shall be used.

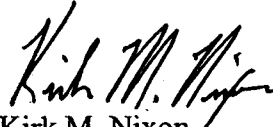
9. The applicant shall notify the Construction Compliance Section of the Resource Compliance Division of SAWS at (210) 233-3564 no later than 48 hours prior to the commencement of construction at the site. If any significant geologic features such as, but not limited to, solution openings, caves, sinkholes, 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.
10. 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 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.
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.

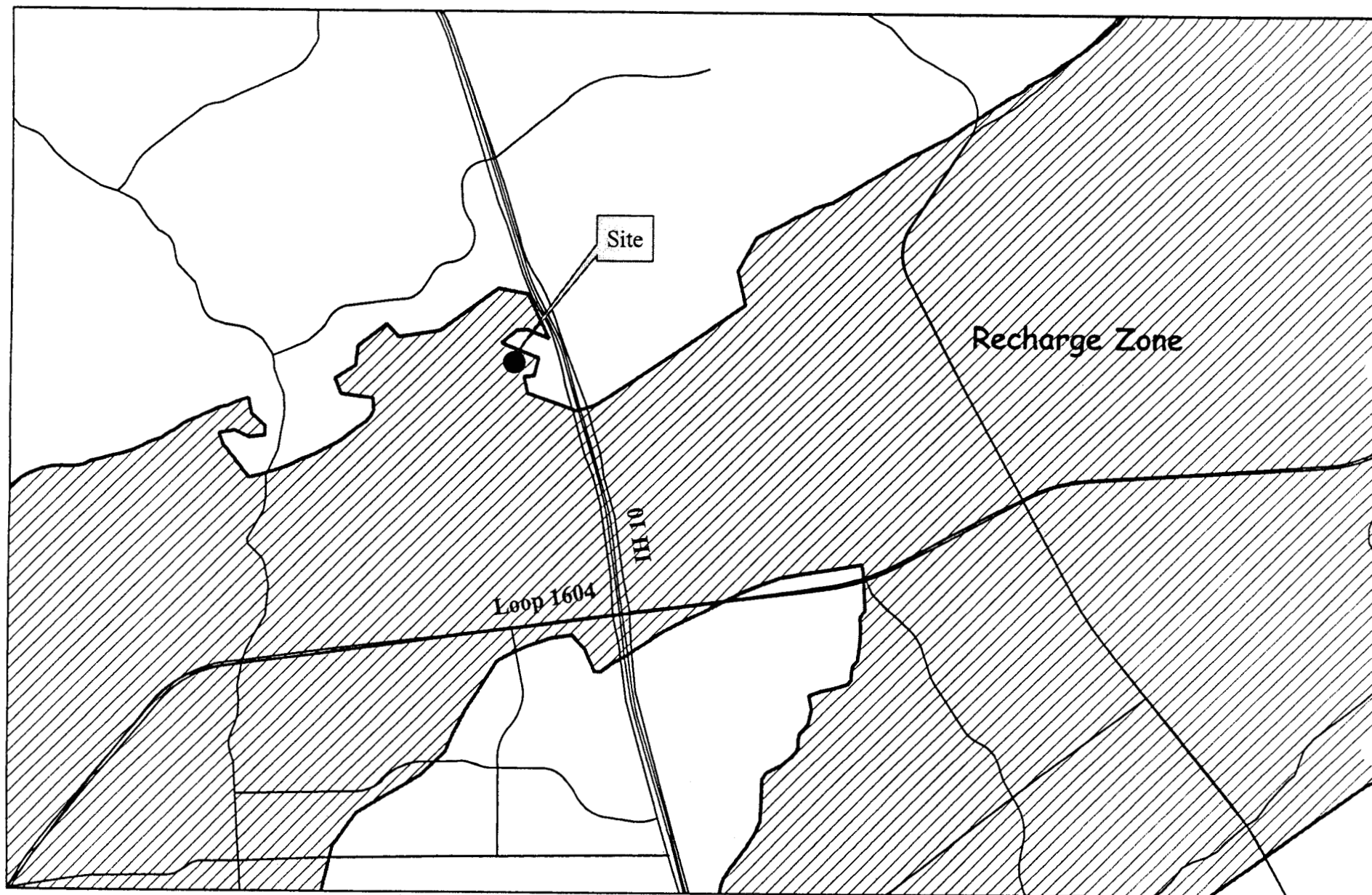
Based on the site evaluation of the property, and the information submitted by the applicant, staff recommends **approval** of the proposed land use. Additionally, SAWS staff recommends that the applicant, or any future owner, comply with the above recommendations in regards to the development of the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

  
Kirk M. Nixon  
Manager  
Resource Protection Division

APPROVED:

  
Scott R. Halty  
Director,  
Resource Protection & Compliance Department

KMN:MJB



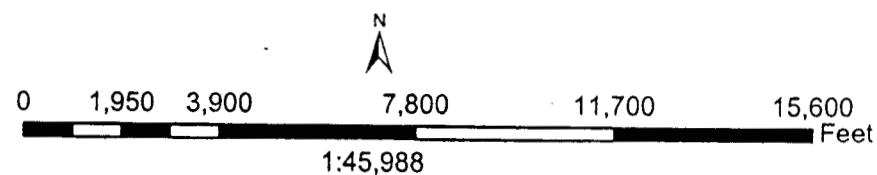
**Zoning Case No. Z2006026 Figure 1**

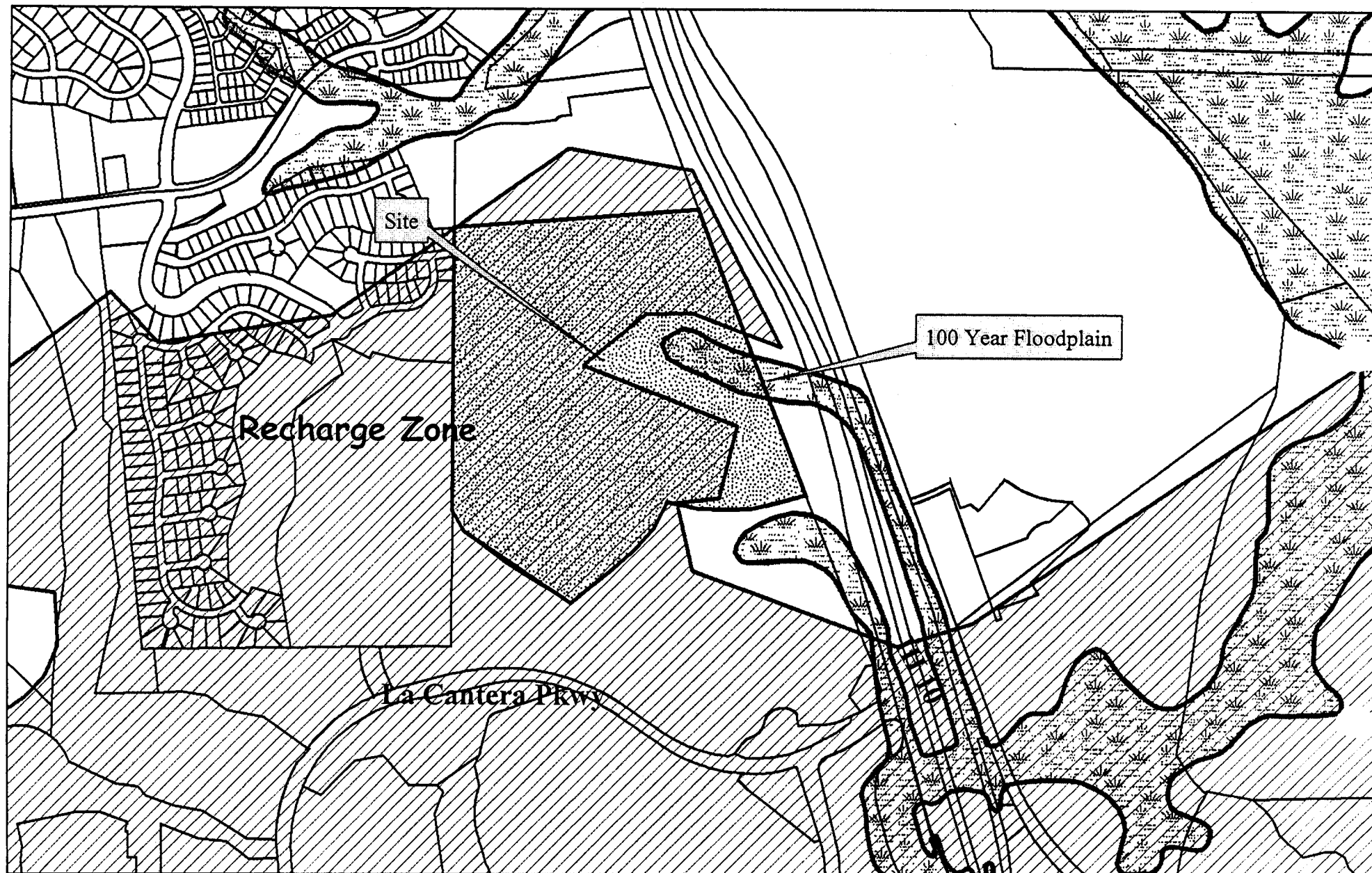
Mixed Use Development

Map Page 514 B2

X=2092744 Y=13770057

Map Prepared by Aquifer Protection and Evaluation MJB 1/10/2006





**Zoning Case No. Z2006026 Figure 2**

Mixed Use Development

Map Page 514 B2

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Map Prepared by Aquifer Protection and Evaluation MJB 1/23/2006

