

ZONING CASE: Z2006-098

City Council District No. 8

Requested Zoning Change

From "O-1 ERZD," "O-2 ERZD," and "ED ERZD"

To "MPCD ERZD"

Date: June 29, 2006

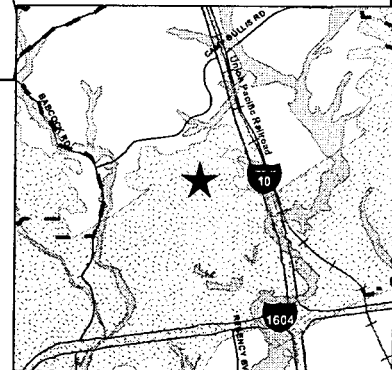
Scale: 1" = 400'

Subject Property

200' Notification



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CASE NO: Z2006098

Staff and Zoning Commission Recommendation - City Council

City Council Continuance from June 15, 2006

Date: June 29, 2006

Zoning Commission Meeting Date: May 16, 2006

Council District: 8

Ferguson Map: 514 B2/B3

Appeal:

Applicant: Owner

Brown, P.C. Cantera-Parkway Development Partners of SA, LP

Zoning Request: From "O-1 ERZD" Office Edwards Recharge Zone District, "O-2 ERZD" Office Edwards Recharge Zone District and "ED ERZD" Entertainment Edwards Recharge Zone District to "MPCD ERZD" Master Planned Community Edwards Recharge Zone District

46.18 acres out of NCB 14859 and NCB 34725

Property Location: 16000 Block of La Cantera Parkway

Generally Located North of La Cantera Parkway and West of IH-10 West

Proposal: To Develop a Mixed Use Project

Neighborhood Association: Legend Hills Homeowners Association, Inc. (within 200 feet)

Neighborhood Plan: None

TIA Statement: A Traffic Impact Analysis is not required.

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 in-her-connectivity within a mixed use project, traits that may be unavailable when lands are rezoned and developed independent of each other.

The subject property was annexed into the city in 1998 and remains undeveloped. The purpose of requesting the MPCD district is to develop a largely residential project with some mixed uses, mostly office, included. The property is located entirely over the Edwards Aquifer Recharge Zone but does not lie within the Gateway Corridor overlay that is located along the east and west edges of I-10. In November of 2004, the subject property was rezoned from R-6 ERZD to O-1 ERZD and O-2 ERZD. The bulk of the property received the O-2 zoning, with the O-1 district applied as a 65 foot wide strip along the north and west property line to serve as a buffer to the Legend Hills residential development.

A site plan is required with an application to rezone property to the MPCD district and must be reviewed by the zoning commission in formulating its recommendation. Additionally, the City Council will also consider an applicant's site plan and a statement reflecting mandatory adherence to the site plan must be included in the zoning ordinance. The site plan must reflect the location, type, density and size of all proposed land uses. Additionally, parks and designated open spaces are required in the MPCD on a percentage basis, and applicants are proposing a green belt/linear park along the north and west property lines, extending

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Staff and Zoning Commission Recommendation - City Council

south to La Cantera Parkway. A site plan can be amended following approval by the City Council after a determination is made as to the extent of the amendment. If the amendment is deemed to be minor, changes can be made administratively by city staff. If the amendment is deemed to be a major one, the previously approved site plan must be returned to the public hearing process and re-considered by both the Zoning Commission and City Council.

SAWS Summary

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

Zoning Commission Recommendation:

Approval

CASE MANAGER : Matthew Taylor 207-5876

VOTE

FOR	9
AGAINST	0
ABSTAIN	0
RECUSAL	0

Z2006098

ZONING CASE NO. Z2006098 – May 16, 2006

Applicant: Brown, P. C.

Zoning Request: "O-1" ERZD Office Edwards Recharge Zone District, "O-2" ERZD Office Edwards Recharge Zone District and "ED" ERZD Entertainment Edwards Recharge Zone District to "MPCD" ERZD Master Planned Community Edwards Recharge Zone District.

Daniel Ortiz, 112 E. Pecan, representing the owner, stated they are proposing to develop a mixed-use project. They have been working with Legend Hills Homeowners Association in trying to amend the restrictive covenants on this property. He stated their intent is to build at 55% impervious cover. He further stated after some changes to their project Legend Hills Homeowners Association is in favor.

FAVOR

Rudy Gonzales, 19106 Chesco Way, stated he was concerned with the density of this project however after meeting with Mr. Ortiz he is now in support.

Staff stated there were 15 notices mailed out to the surrounding property owners, 1 returned in opposition and 1 returned in favor and no response from Legend Hills 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 Stribling and seconded by Commissioner Rodriguez to recommend approval along with the general and specific recommendations by SAWS with 65% impervious cover.

1. Property is located on 46.18 acres out of NCB 14859 and 34725 at 16000 Block of La Cantera Parkway
2. There were 15 notices mailed, 1 returned in opposition and 1 in favor.
3. Staff recommends approval.

Z2006098

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

NAYS: None

THE MOTION CARRIED

RESULTS OF COUNCIL HEARING June 15, 2006

City Council granted a continuance until June 29, 2006

RESULTS OF NOTICE FOR COUNCIL HEARING

To be provided at Council hearing.

Tract 6
2.66
Acres

Tract 5
2.85
Acres

Tract 3
5.86 Acres

Tract 4
2.24
Acres

Tract 8
5 Acres

Tract 7
2.01
Acres

Tract 1
3.36 Acres

Tract 2
1.44
Acres

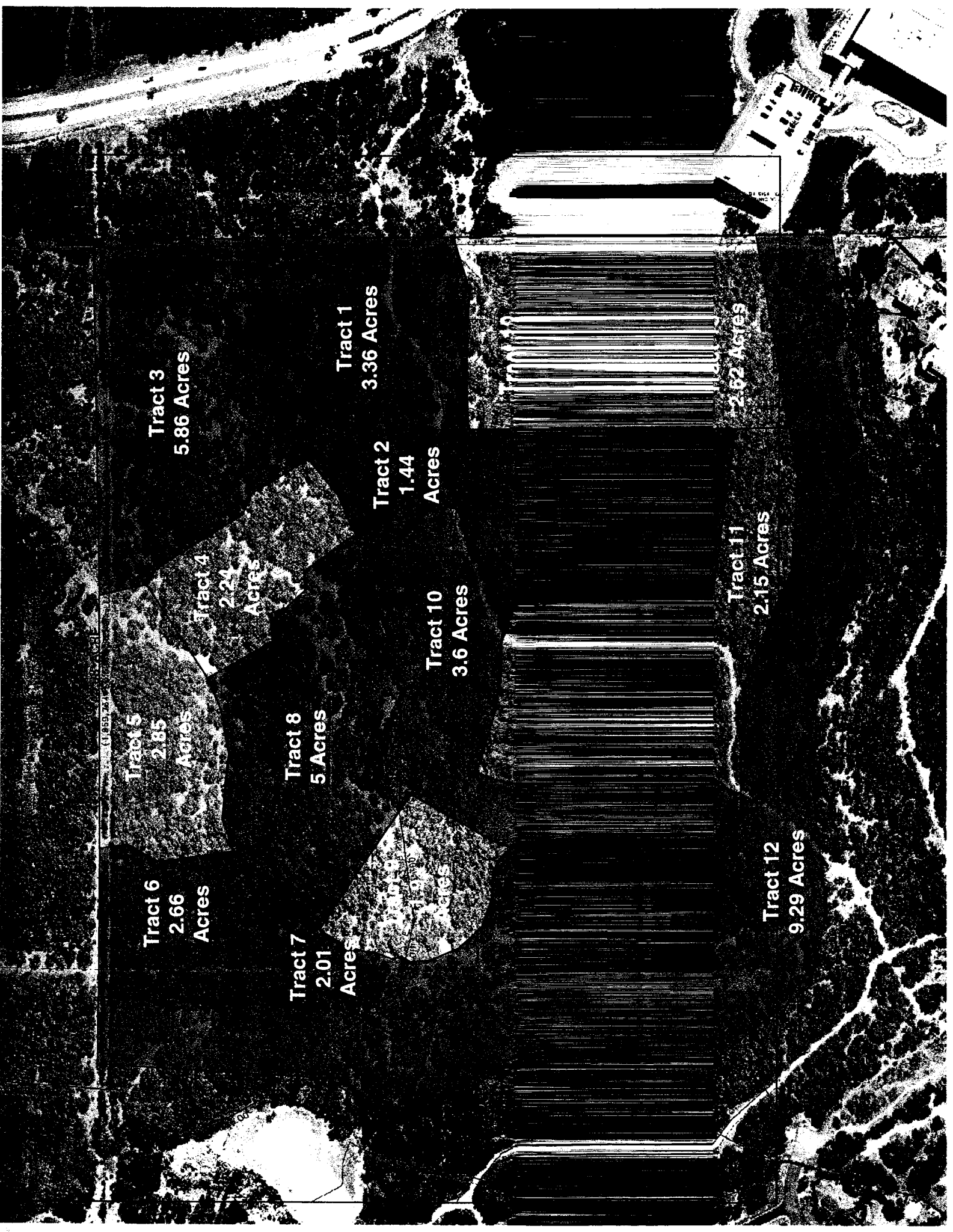
Tract 10
3.6 Acres

Tract 9
1.9
Acres

Tract 13
2.62 Acres

Tract 11
2.15 Acres

Tract 12
9.29 Acres



LA CANTERA - ACREAGE SUMMARY

<u>TRACT</u>	<u>ACRES</u>	<u>USES</u>	<u>NUMBER OF UNITS</u>
TRACT 1	3.36	OFFICE/RETAIL/CONDOS	150
TRACT 2	1.44	LUXURY MID-RISE CONDOMINIUM AND RETAIL	150
TRACT 3	5.86	TOWNHOUSES	51
TRACT 4	2.24	LIVE WORK HOUSING	40
TRACT 5	2.85	LUXURY CONDOMINIUM	170
TRACT 6	2.66	TOWNHOUSE	25
TRACT 7	2.01	TOWNHOUSE	26
TRACT 8	5.00	TOWNHOUSE	39
TRACT 9	1.90	TOWNHOUSE	11
TRACT 10	3.60	LANDSCAPING	
TRACT 11	2.15	TOWNHOUSE	60
TRACT 12	9.29	LANDSCAPING	
TRACT 13	2.62	THREE STORY OVER PARKING	39
TOTAL	44.98 ACRES		757 UNITS/ 16.8 UNITS PER ACRE

EPSTEIN

SAN ANTONIO WATER SYSTEM
Interdepartment Correspondence Sheet

CITY SERVICES

2006 APR 10 PM 1:38

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 Z2006098 (The Enclave at La Cantera)

Date: May 2, 2006

SUMMARY

A request for a change in zoning has been made for an approximate 46.175-acre tract located on the city's northwest side. A change in zoning from **O-2 ERZD to MPCD ERZD** is being requested by the applicant, Brown, P.C. The change in zoning has been requested to allow for the development of a mixed use development that will consist of multi-family and commercial. The property is classified as Category 1 Property.

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, on La Cantera Pkwy. The property lies within the Edwards Aquifer Recharge Zone (Figures 1 and 2).

SITE EVALUATION

1. Development Description:

The proposed change is from O-2 ERZD to MPCD ERZD and will allow for the construction of a mixed use development. Currently the site is undeveloped and has dense vegetation.

2. Surrounding Land Uses:

Crownridge neighborhood is located to the west and north of the property. Undeveloped land is located to the east of the property. La Cantera Pkwy and San Antonio Federal Credit Union is located to the south 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 an evaluation, on March 28, 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 Dolomitic Member of the Edwards Aquifer. This was verified from outcropping of bedrock onsite.

Permeability within the Dolomitic Member is generally associated with structural features. Some matrix permeability is possible, but this is also usually associated with structural features such as bedding planes. The Dolomitic Member is generally 110 to 130 feet thick in full section.

A fault was identified from geologic maps of the project site. No evidence of the fault was observed during the site evaluation. Except for a small sliver of the Lower Confining Unit of the Glen Rose located on the northeastern boundary of the project site, the fault is present entirely within the Dolomitic Member on the project site.

No significant 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 65% on the 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.



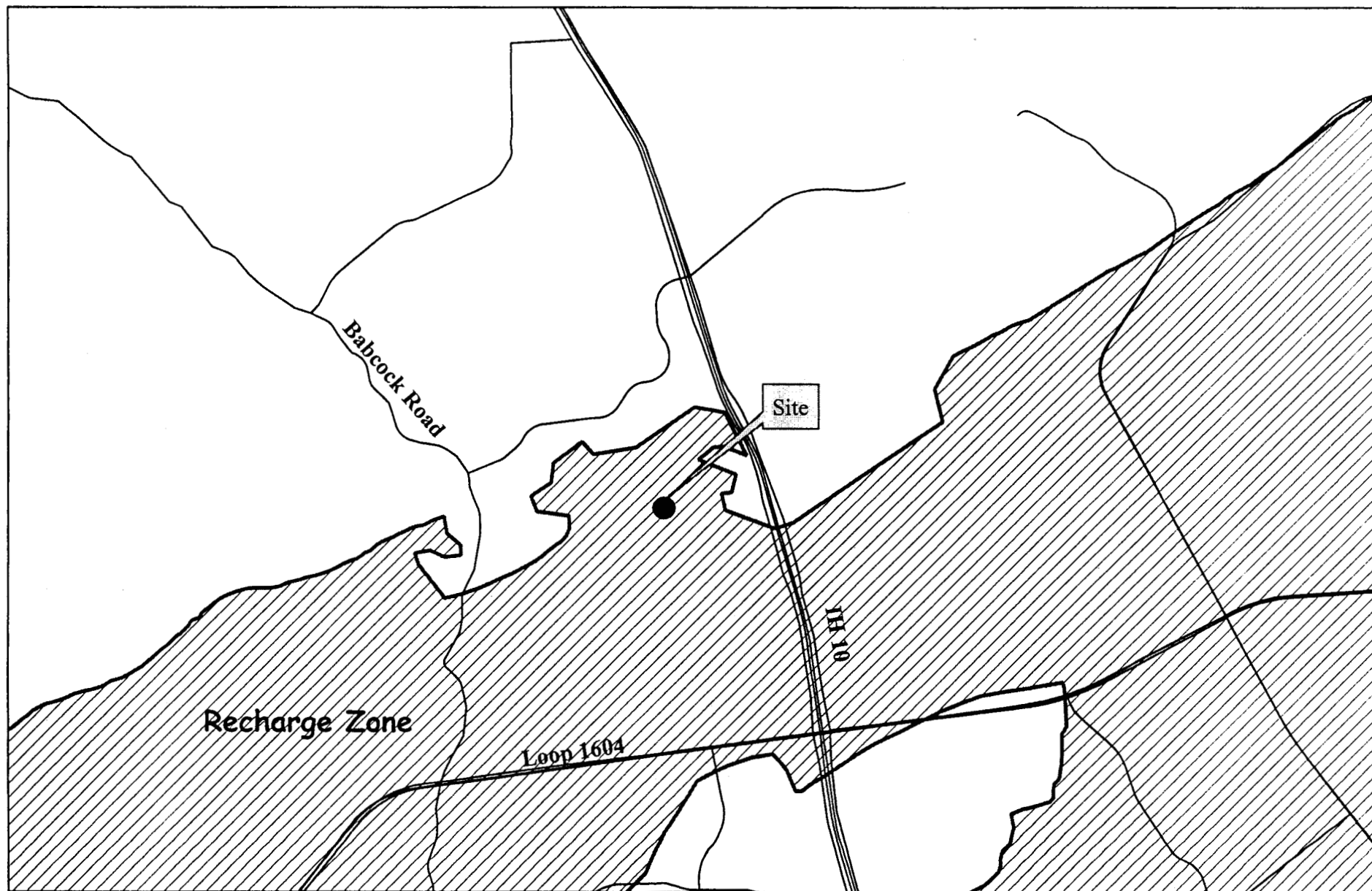
Kirk M. Nixon
Manager
Resource Protection Division

APPROVED:



Scott R. Halty
Director,
Resource Protection & Compliance Department

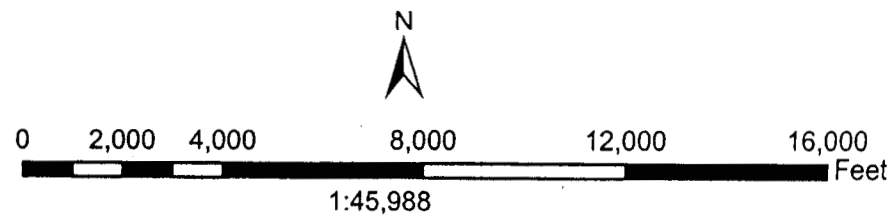
KMN:MJB

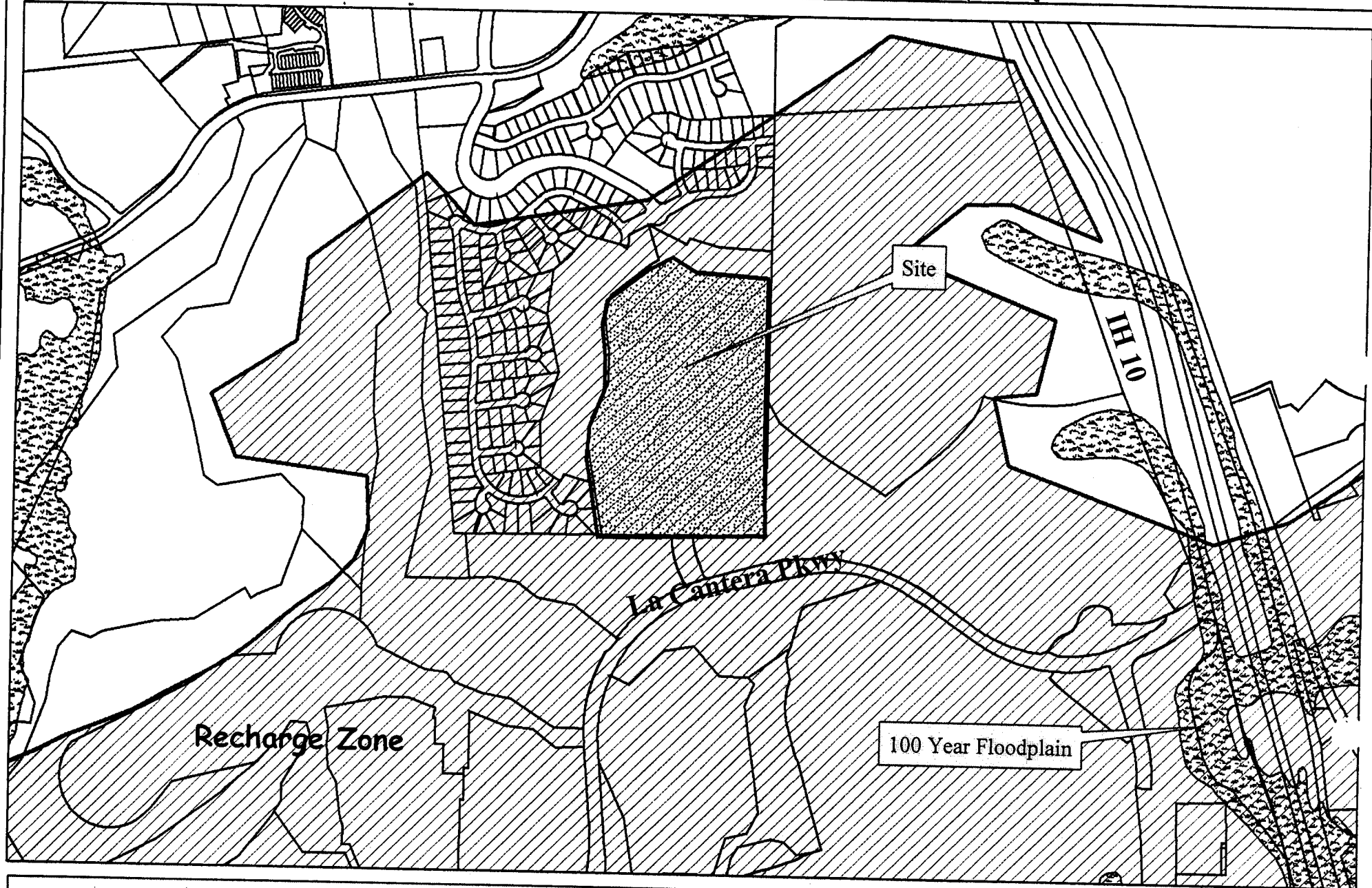


Zoning Case No. Z2006098 Figure 1
La Cantera Parkway Mixed - Use Development
Map Page 514 B2

X=2091454 Y=13768863

Map Prepared by Aquifer Protection and Evaluation MJB 3/27/2006





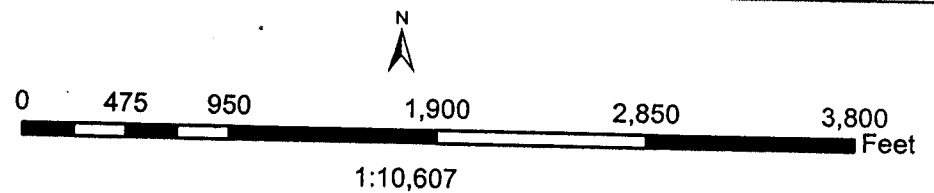
Zoning Case No. Z2006098 Figure 2

La Cantera Parkway Mixed - Use Development

Map Page 514 B2

X=2091454 Y=13768863

Map Prepared by Aquifer Protection and Evaluation MJB 3/27/2006



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