

6

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION OF AND REZONING CERTAIN PROPERTY DESCRIBED HEREIN.

* * * * *

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. Section 35-304 of the Unified Development Code, which is Chapter 35 of the City Code and constitutes the comprehensive zoning ordinance of the City of San Antonio is hereby amended so that it shall hereafter include the following described changes of classification and the rezoning of the hereinafter designated property to-wit:

CASE NO. Z2004119

The rezoning and reclassification of property from "R-6" ERZD Residential Single Family Edwards Recharge Zone District to "MF-25" ERZD Multi-Family Edwards Recharge Zone District on 27.90 acres, "O-1" ERZD Office Edwards Recharge Zone District on 4.25 acres, "C-2" ERZD Commercial Edwards Recharge Zone District on 2.40 acres and PUD "R-5" ERZD Planned Unit Development Residential Single Family Edwards Recharge Zone District on 18.15 acres, all out of NCB 34955 on the property listed as follows:

52.7 acres out of NCB 34955

Field notes describing the above mentioned tract are attached hereto and incorporated herein for all purposes as Exhibit A.

SECTION 2. All other provisions of Chapter 35 except those expressly amended by this ordinance shall remain in full force and effect including the penalties for violations as made and provided for in Section 35-491.

SECTION 3. The San Antonio Water System has recommended the actions attached as Exhibit B.

SECTION 4. The Director of Planning shall change the zoning records and maps in accordance with this ordinance and the same shall be available and open to the public for inspection.

SECTION 5. This ordinance shall become effective immediately upon passage if passed by eight or more votes otherwise this ordinance shall become effective November 14, 2004.

PASSED AND APPROVED this 4th day of November, 2004.

M A Y O R

EDWARD D. GARZA

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

| |
|---|
| ALAMODOME |
| ASSET MANAGEMENT |
| AVIATION |
| CITY ATTORNEY |
| MUNICIPAL COURT |
| REAL ESTATE (FASSNIDGE) |
| REAL ESTATE (WOOD) |
| RISK MANAGEMENT |
| CITY MANAGER |
| SPECIAL PROJECTS |
| CITY PUBLIC SERVICE – GENERAL MANAGER |
| CITY PUBLIC SERVICE – MAPS AND RECORDS |
| CODE COMPLIANCE |
| COMMERCIAL RECORDER |
| COMMUNITY INITIATIVES |
| CONVENTION AND VISITORS BUREAU |
| CONVENTION CENTER EXPANSION OFFICE |
| CONVENTION FACILITIES |
| COUNCIL OFFICES |
| CULTURAL AFFAIRS |
| CUSTOMER SERVICE/311 SYSTEM |
| DEVELOPMENT SERVICES |
| HOUSE NUMBERING |
| LAND DEVELOPMENT SERVICES |
| TRAFFIC & DRAINAGE PLAN REVIEW |
| ECONOMIC DEVELOPMENT |
| ENVIRONMENTAL SERVICES |
| SOLID WASTE |
| EXTERNAL RELATIONS |
| PUBLIC INFORMATION OFFICE |
| FINANCE - DIRECTOR |
| FINANCE – ASSESSOR |
| FINANCE – CONTROLLER |
| FINANCE – GRANTS |
| FINANCE – PUBLIC UTILITIES SUPERVISOR |
| FINANCE- TREASURY |
| FIRE DEPARTMENT |
| HOUSING AND COMMUNITY DEVELOPMENT |
| HUMAN RESOURCES (PERSONNEL) |
| INFORMATION SERVICES |
| INTERNAL REVIEW |
| INTERNATIONAL AFFAIRS |
| LIBRARY |
| MANAGEMENT & BUDGET (OFFICE OF) OMB |
| MAYOR'S OFFICE |
| METROPOLITAN HEALTH DISTRICT |
| MUNICIPAL CODE CORPORATION |
| MUNICIPAL COURT |
| NEIGHBORHOOD ACTION |
| PARKS AND RECREATION |
| MARKET SQUARE |
| YOUTH INITIATIVES |
| PLANNING DEPARTMENT –NEIGHBORHOOD PLNG; URBAN DESIGN/HISTORIC PRESERVATION |
| DISABILITY ACCESS OFFICE |
| POLICE DEPARTMENT |
| GROUND TRANSPORTATION |
| PUBLIC WORKS DIRECTOR |
| CAPITAL PROJECTS |
| CENTRAL MAPPING |
| ENGINEERING |
| PARKING DIVISION |
| REAL ESTATE DIVISION |
| TRAFFIC ENGINEERING |
| PURCHASING AND GENERAL SERVICES |
| SAN ANTONIO WATER SYSTEMS (SAWS) |
| VIA |

AGENDA ITEM NUMBER: 6

DATE: NOV 4 2004

MOTION: Haass/Hall

ORDINANCE NUMBER: 99967

RESOLUTION NUMBER: _____

ZONING CASE NUMBER: Z-2004119

TRAVEL AUTHORIZATION: _____

DIO

| NAME | ROLL | AYE | NAY |
|--|------|---------------|-----|
| ROGER O. FLORES JR. District 1 | | | |
| JOEL WILLIAMS District 2 | | <u>Absent</u> | |
| RON SEGOVIA District 3 | | <u>-</u> | |
| RICHARD PEREZ District 4 | | | |
| PATTI RADLE District 5 | | | |
| ENRIQUE M. BARRERA District 6 | | | |
| JULIAN CASTRO District 7 | | | |
| ART A. HALL District 8 | | | |
| CARROLL SCHUBERT District 9 | | | |
| CHRISTOPHER "CHIP" HAASS District 10 | | | |
| EDWARD D. GARZA Mayor | | | |

A lengthy discussion ensued amongst the City Council.

Radle, Flores and Castro voted NAY.

Motion passes

Item 6

Agenda Voting Results

Name:

6:07 P.M. - Public Hearing and Consideration of the following Zoning Case [Presented by Florencio Pena, Director, Development Services; Christopher J. Brady, Assistant City Manager]

Date: 11/04/14

Time: 06:44:10 PM

Vote Type: Multiple selection

Description: ZONING CASE NUMBER 22001119 The request of Brown, P. C., Applicant, for Newton Boulevard Road, Ltd. Company, for a change in zoning from "R-4" ERZD Residential Single Family Edwards Recharge Zone District to "MF-25" ERZD Multi-Family Edwards Recharge Zone District on 27.80 acres; "O-1" ERZD Office Edwards Recharge Zone District on 4.25 acres; "C-2" ERZD Commercial Edwards Recharge Zone District on 2.00 acres and PUD "R-5" ERZD Planned Unit Development Residential Single Family Edwards Recharge Zone District on 18.15 acres all out of NCB 3495, 16221 Silverdale Road. Staff's recommendation was for approval. Zoning Commission has recommended approval. (Council Dist

| Voter | Group | Status | Yes | No | Abstain |
|--------------------|-------------|-------------|-----|----|---------|
| ROGER O. FLORES | DISTRICT 1 | | | X | |
| JOEL WILLIAMS | DISTRICT 2 | Not present | | | |
| RON H. SEGOVIA | DISTRICT 3 | | X | | |
| RICHARD PEREZ | DISTRICT 4 | | X | | |
| PATTI RADLE | DISTRICT 5 | | | X | |
| ENRIQUE M. BARRERA | DISTRICT 6 | | X | | |
| JULIAN CASTRO | DISTRICT 7 | | | X | |
| ART A. HALL | DISTRICT 8 | | X | | |
| CARROLL SCHUBERT | DISTRICT 9 | | X | | |
| CHIP HAASS | DISTRICT_10 | | X | | |
| MAYOR ED GARZA | MAYOR | | X | | |

Z2004-119
Rec. 6-29-04

**FIELD NOTES
FOR A
27.90 ACRE ZONING TRACT
(MF-25)**

BEING a 27.90 acre tract being out of a 16.500 acre tract as recorded in Volume 7779, Page 1692 of the Real Property Records of Bexar County, Texas, and out of a remaining portion of a called 29.717 acre tract as recorded in Volume 5311, Page 184 of the Deed Records of Bexar County, Texas, also being out of a 3.00 acre tract as recorded in Volume 5311, Page 178 of the Real Property Records of Bexar County, Texas and out of a 20.00 acre tract as recorded in Volume 7779, Page 1692 of the Real Property Records of Bexar County, Texas, all being situated within the George Voss Survey No. 340½, Abstract No. 788 in New City Block (NCB) 34955 in the City of San Antonio, Bexar County, Texas, said 27.90 acres being more particularly described by metes and bounds as follows:

BEGINNING at a corner which bears North 22° 05' 38" West, a distance of 14.89 feet and North 79° 45' 01" East, a distance of 224.96 feet from a found ½" iron rod on the west right-of-way of Bulverde Road, a variable width right-of-way, said point being on the north line of a 60.91 acre tract as recorded in Volume 8368, Page 210 of the Real Property Records of Bexar County, Texas, the southwest corner of a 2.40 acre tract, also surveyed this day, and the southeast corner of the herein described tract;

THENCE South 79° 45' 01" West, along and with a fence line, a distance of 695.34 feet to a 3" steel pipe fence corner for a corner of said 60.91 acre tract and an interior corner of the herein described tract;

THENCE South 03° 44' 45" West, along and with said fence line, a distance of 483.09 feet to a 3" steel pipe fence post for an exterior corner of the herein described tract;

THENCE South 88° 44' 45" West, along and with said fence line, a distance of 662.70 feet to a found ½" iron rod for the northwest corner of said 60.91 acre tract and the southwest corner of the herein described tract;

THENCE North 00° 41' 04" East, along and with the east line of said remaining portion of a 370.559 acre tract as recorded in Volume 5211, Page 2081 of the Real Property Records of Bexar County, Texas and a fence line, a distance of 972.18 feet to a point for the northwest corner of the herein described tract;

THENCE North 82° 25' 14" East, a distance of 725.13 feet for an interior corner of the herein described tract;

THENCE North 00° 23' 25" East, a distance of 282.95 feet for a corner of the herein described tract;

EXHIBIT "A"
To Ordinance No. _____
Passed and Approved on
November 4, 2004

THENCE North 74° 05' 06" East, a distance of 529.01 feet to a point being on the west right-of-way line of said Bulverde Road and a fence line for the northeast corner of the herein described tract;

THENCE South 25° 46' 55" East, along and with the west right-of-way of said Bulverde Road and said fence line, a distance of 242.70 feet to a 3" steel pipe fence corner for an angle point;

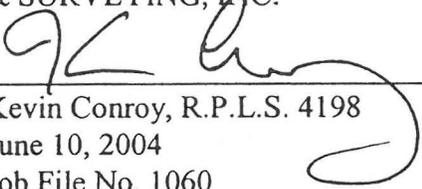
THENCE South 22° 18' 25" East, along and with the west right-of-way of said Bulverde Road and said fence line, a distance of 194.49 feet to a point for the northeast corner of said 2.40 acre tract and a corner of the herein described tract;

THENCE South 80° 58' 38" West, departing the west right-of-way of said Bulverde Road and said fence line, a distance of 226.05 feet to a point for the northwest corner of said 2.40 acre tract and an interior corner of the herein described tract;

THENCE South 22° 18' 25" East, a distance of 477.26 feet to the **POINT OF BEGINNING** and containing 27.90 acres, more or less, in the City of San Antonio, Bexar County, Texas.

Plat of survey provided.

ALAMO CONSULTING ENGINEERING
& SURVEYING, INC.



Kevin Conroy, R.P.L.S. 4198
June 10, 2004
Job File No. 1060



Z 2004 119
REC. 6-29-04

**FIELD NOTES
FOR A
18.15 ACRE ZONING TRACT
(P1-R5)**

BEING a 18.15 acre tract out of a 20.00 acre tract as recorded in Volume 7779, Page 1692 of the Real Property Records of Bexar County, Texas, situated within the George Voss Survey No. 340½, Abstract No. 788 in New City Block (NCB) 34955 in the City of San Antonio, Bexar County, Texas, said 18.15 acres being more particularly described by metes and bounds as follows:

BEGINNING at a found "X" in concrete on the west right-of-way of Bulverde Road, a variable width right-of-way, being the southeast corner of Lot 6 of the Emerald Forest Unit 5A Subdivision as recorded in Volume 9540, Page 47 of the Deed and Plat Records of Bexar County, Texas for the northeast corner of the herein described tract;

THENCE South 14° 37' 26" East, along and with the west right-of-way of said Bulverde Road, a distance of 66.95 feet to a 3" steel pipe fence corner for an angle point;

THENCE South 25° 46' 55" East, continuing along and with said right-of-way and a fence line, a distance of 224.94 feet to a point;

THENCE South 64° 14' 57" West, departing said right-of-way, a distance of 572.10 feet to an angle point of the herein described tract;

THENCE South 01° 29' 27" West, departing said right-of-way, a distance of 21.75 feet to an angle point of the herein described tract;

THENCE South 38° 22' 52" East, a distance of 279.12 feet to a point for an angle point of the herein described tract;

THENCE South 00° 23' 25" West, a distance of 282.95 feet to a point for a corner of the herein described tract;

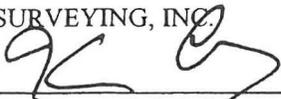
THENCE South 82° 25' 14" West, a distance of 725.13 feet to a point on the east line of a remainder of 370.559 acres as recorded in Volume 5211, Page 2081 of the Deed Records of Bexar County, Texas and a fence line for the southwest corner of the herein described tract;

THENCE North 00° 41' 04" East, along and with said fence line, a distance of 1010.49 feet to a 2" steel pipe fence post for the northwest corner of the herein described tract;

THENCE North 82° 25' 14" East, along and with said fence line, a distance of 944.71 feet to the **POINT OF BEGINNING** and containing 18.15 acres, more or less, in the City of San Antonio, Bexar County, Texas.

Plat of survey provided.

ALAMO CONSULTING ENGINEERING
& SURVEYING, INC.



Kevin Conroy, R.P.L.S. 4198
June 10, 2004
Job File No. 1060



DOC:F\WORD\FN\2004\051002.KC

**FIELD NOTES FOR
4.25 ACRE
ZONING TRACT
(O-1)**

BEING 4.25 acres of land out of the George Voss Survey No. 340½, Abstract 788, New City Block 34955 in the City of San Antonio, Bexar County, Texas and being out of a called 20.00 acre tract as recorded in Volume 7779, Page 1692 of the Official Records of Real Property of Bexar County, Texas, said 4.25 acres being more particularly described by metes and bounds as follows:

BEGINNING at a set ½" iron rod with "ACES" cap on the west right-of-way line of Bulverde Road, a variable width right-of-way and also being on the east line of said 20.00 acre tract, said corner bears North 25° 46' 55" West, a distance of 242.70 feet along and with the west right-of-way of Bulverde Road, from a 3" steel pipe chainlink fence corner post, for the southeast corner of the herein described tract;

THENCE South 74° 05' 06" West, a distance of 529.01 feet departing said west right-of-way of Bulverde Road to a set ½" iron rod with "ACES" cap for a corner of a 48.45 acre tract, also surveyed this day and the southwest corner of the herein described tract;

THENCE North 38° 22' 52" West, a distance of 279.12 feet to a set ½" iron rod with "ACES" cap for an angle point of the herein described tract and said 48.45 acre tract;

THENCE North 01° 29' 27" East, a distance of 21.75 feet to a set ½" iron rod with "ACES" cap for an angle point of said 48.45 acre tract and the northwest corner of the herein described tract;

THENCE North 64° 14' 57" East, a distance of 572.10 feet to a set ½" iron rod with "ACES" cap on the west right-of-way of said Bulverde Road for a corner of said 48.45 acre tract and the northeast corner of the herein described tract, said corner bears South 25° 46' 55" East, a distance of 224.94 feet with the west right-of-way of Bulverde Road from a 3" steel pipe chainlink fence corner post;

THENCE South 25° 46' 55" East, a distance of 382.07 feet along and with the west right-of-way of said Bulverde Road to the **POINT OF BEGINNING** and containing 4.25 acres of land, in the City of San Antonio, Bexar County, Texas.

Plat of survey provided.

ALAMO CONSULTING ENGINEERING
& SURVEYING, INC.

Kevin Conroy, R.P.L.S. 4198
April 14, 2004
Job File No. 1060



DOC# FAVORDA-N62001041402.KC

**FIELD NOTES
FOR A
2.40 ACRE ZONING TRACT
(C-2)**

BEING a 2.40 acre tract out of a 16.500 acre tract as recorded in Volume 7779, Page 1692 of the Real Property Records of Bexar County, Texas, out of a called 29.717 acre tract as recorded in Volume 5311, Page 184 of the Deed Records of Bexar County, Texas and being situated within the George Voss Survey No. 340½, Abstract No. 788 in New City Block (NCB) 34955 in the City of San Antonio, Bexar County, Texas, said 2.40 acres being more particularly described by metes and bounds as follows:

BEGINNING at a found ½" iron rod on the west right-of-way of Bulverde Road, a variable width right-of-way, which bears North 22° 05' 38" West, a distance of 14.89 feet from a found ½" iron rod at a point of curvature, said point being the northeast corner of a called 60.91 acre tract as recorded in Volume 8368, Page 210 of the Real Property Records of Bexar County, Texas, the southeast corner of said 16.500 acre tract and the herein described tract;

THENCE South 79° 45' 01" West, departing the west right-of-way of said Bulverde Road and along and with a fence line, a distance of 224.96 feet to a point for the southwest corner of the herein described tract;

THENCE North 22° 18' 25" West, departing said fence line, a distance of 477.26 feet to a point for the northwest corner of the herein described tract;

THENCE North 80° 58' 38" East, a distance of 226.05 feet to a point at a fence line on the west right-of-way line of said Bulverde Road for the northeast corner of the herein described tract;

THENCE South 22° 18' 25" East, along and with said fence line and the west right-of-way of said Bulverde Road, a distance of 472.31 feet to the **POINT OF BEGINNING** and containing 2.40 acres, more or less, in the City of San Antonio, Bexar County, Texas.

Plat of survey provided.

ALAMO CONSULTING ENGINEERING
& SURVEYING, INC.

Kevin Conroy, R.P.L.S. 4198
April 13, 2004
Job File No. 1060



DOC:F\WORD\FN\2004\041301.KC

EXHIBIT "B"

To Ordinance No. _____
Passed and Approved on
November 4, 2004

1. This property must be developed as Category 2 property, in accordance with all provisions of Ordinance No. 81491 and will include limits on impervious cover.
2. If any of the three wells become abandoned, they must be properly plugged according to the City Code Chapter 34 Division 2 Section 574 by a registered well driller.
3. Any septic system located on the site must be properly abandoned according to Bexar County rules and regulations.
4. Development within the floodplain and floodplain buffer zones must be in accordance with Ordinance No. 81491 governing development on the Edwards Aquifer Recharge Zone in the Floodplain Preservation Area.
5. 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.
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. SAWS staff shall inspect the fault area for any sensitive recharge features. If found, they must be properly buffered.
7. 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.
8. The land uses within the commercial 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.
9. 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.
10. The storage, handling, use and disposal of all 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.

11. 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 Aquifer Protection and Evaluation Section of the San Antonio Water System at (210) 704-7305 to schedule a site inspection. Additionally, we recommend a maintenance plan and schedule be developed and submitted to the Aquifer Protection and Evaluation Section of the San Antonio Water System.
- 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.

CASE NO: Z2004119

Staff and Zoning Commission Recommendation - City Council

City Council Continuance from October 14, 2004

Date: November 04, 2004

Zoning Commission Meeting Date: September 07, 2004

Council District: 10

Ferguson Map: 518 B2

Appeal: No

Applicant:

Owner

Brown, P. C.

Newton Bulverde Road, Ltd.

Zoning Request: From R-6 ERZD Residential Single Family Edwards Recharge Zone District to MF-25 ERZD Multi-Family Edwards Recharge Zone District on 27.90 acres, O-1 ERZD Office Edwards Recharge Zone District on 4.25 acres, C-2 ERZD Commercial Edwards Recharge Zone District on 2.40 acres and PUD R-5 ERZD Planned Unit Development Residential Single Family Edwards Recharge Zone District on 18.15 acres out of NCB 34955

Property Location: 18221 Bulverde Road

North of Loop 1604 on the west side of Bulverde Road

Proposal: Mixed Use Development

Neighborhood Association: Emerald Forest Neighborhood Association

Neighborhood Plan: None

TIA Statement: A traffic impact analysis is required and is in compliance with the TIA ordinance 91700. On-site improvements, as well as, improvements along the project limits will be required and shall be provided by the developer at the time of platting.

Staff Recommendation:

Approval. The request is for a mixture of residential and commercial zoning. There is a transition from the commercial node of Loop 1604 and Bulverde Road south to north from commercial to residential zoning and uses. The subject property is situated between R-6 ERZD to the north and C-2 ERZD to the south. The current development pattern is commercial and multi-family at the southern end of the area with office and residential to the north. To the west there is vacant land zoned R-6 ERZD, and a large 100-year flood plain. To the east lies vacant land zoned C-2 ERZD. The requested zoning would compliment this development pattern beginning at the intersection of Loop 1604 and Bulverde Road.

Zoning Commission Recommendation

Approval

VOTE

FOR 9

AGAINST 0

ABSTAIN 0

RECUSAL 0

CASE MANAGER : Richard Ramirez 207-5018

Z2004119

ZONING CASE NO. Z2004119 – September 7, 2004

Applicant: Brown, P. C.

Zoning Request: “R-6” ERZD Residential Single Family Edwards Recharge Zone District to “MF-25” ERZD Multi Family Edwards Recharge Zone District on 27.90 acres, “O-1” ERZD Office Edwards Recharge Zone District on 4.25 acres, “C-2” ERZD Commercial Edwards Recharge Zone District on 2.40 acres and PUD “R-5” ERZD Planned Unit Development Residential Single Family Edwards Recharge Zone District on 18.15 acres out of NCB 34955.

Ken Brown, 112 E. Pecan, representing the owner, stated a 55 acres piece of property between an existing single-family neighborhood and a proposed HEB shopping center. He stated they did try to transition their property from the single-family neighborhood to the commercial activity. They are proposing to develop a mixed-use development of commercial to residential on the subject property. They have been in contact with the neighborhood association who are in support.

Gordon Hartman, stated he has been working with the neighborhood association in reference to this development. He stated the total area of residential development consist of 18.15 acres. They have agreed to provide an 8-foot fence on the subject property line that abuts the existing residence property line and the proposed residential homes that would abut the existing homes be 1 story in height.

Staff stated there were 33 notices mailed out to the surrounding property owners, 2 returned in opposition and 5 returned in favor and no written response from Emerald Forest Neighborhood Association however staff did received a verbal response from Emerald Forest Neighborhood Association expressing their support.

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 Peel and seconded by Commissioner McAden to recommend approval.

1. Property is located at 18221 Bulverde Road.
2. There were 33 notices mailed, 5 returned in opposition and 117 in favor.
3. Staff recommends approval.

Z2004119

**AYES: Martinez, Cardenas-Gamez, Kissling, Dixon, Sherrill, McAden, Avila,
Stribling, Peel**

NAYS: None

RECUSED: Grau, Dutmer

THE MOTION CARRIED

RESULTS OF NOTICE FOR COUNCIL HEARING

To be provided at Council hearing.

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., Karen Schubert, Resource Protection Specialist II, Aquifer Protection & Evaluation Section, File

Subject: Zoning Case Z2004119 (52.7 acres on Bulverde Road)

Date: August 3, 2004

SUMMARY

A request for a change in zoning has been made for an approximate 52.7-acre tract located on the city's north side. A change in zoning from "R-6 ERZD" to "MF-25, O-1, C-2, R-5 PUD ERZD" is being requested by the applicant, Brown, P.C. The change in zoning has been requested to allow for the property to be developed into a mixed-use development. The property is classified as Category 2.

Based on the site evaluation of the property, and the information submitted by the applicant, staff recommends approval provided that the applicant agrees to abide by all recommendations contained in this document.

LOCATION

The subject property is located in City Council District 10, along the western side of Bulverde Road, north of Loop 1604. The property lies within the Edwards Aquifer Recharge Zone (Figures 1 and 2).

SITE EVALUATION

1. Development Description:

The proposed change is from R-6 ERZD to MF-25, O-1, C-2, R-5 PUD ERZD and will allow for the construction of a mixed-use development. The property is currently a residential residence with some agricultural uses. The 52.7 acres are broken into four tracts (Figure 3).

The first tract is approximately 18.15 acres. The proposed zoning change for tract 1 is from R-6 ERZD to R-5 PUD ERZD. This tract will consist of approximately 120- 130 residential lots. The impervious cover for this tract is limited to 30%.

The second tract is approximately 4.25 acres. The proposed zoning change is from R-6 ERZD to O-1 ERZD. Currently, this tract has four residential structures. This tract is not planned to be developed in the immediate future. However, the long-range plan is to utilize the current structures for office purposes. The impervious cover is limited to 65%.

The third tract is approximately 27.9 acres. The zoning change requested is from R-6 ERZD to MF-25 ERZD. This tract is proposed to be developed at a maximum of 25 units per acre. The impervious cover for this tract is limited to 50%.

The fourth tract is approximately 2.4 acres. The zoning change requested is from R-6 ERZD to C-2 ERZD. The proposed development will be a neighborhood commercial retail center. Tract 4 will be limited to 65% impervious cover.

2. Surrounding Land Uses:

A new fire station is currently being constructed immediately east of the property. A residential subdivision is located to the north. The remaining surrounding properties are currently undeveloped.

3. Geologic Features:

The Resource Protection Division of the San Antonio Water System conducted an evaluation on May 13, 2004 of the referenced property to assess the geologic conditions and evaluate any environmental concerns present at the site. SAWS staff Geologist, Mr. Kevin Morrison, P.G., was present during the site evaluation and observed no significant recharge feature, although Edwards outcropping was visually apparent near the western edge of the property. Using the U.S. Geological Survey Water-Resources Investigations Report 95-4030 it was determined that the northern portion of the subject site is underlain by the Leached and Collapsed Member of the Edwards Aquifer, and the southern portion of the site is underlain by the Cyclic and Marine Member of the Edwards Aquifer. The property has been cleared for grazing horses. Three active wells were noted on the site. A minor fault bisects the property from the southwest to the northeast. Should clearing activities begin along the fault area SAWS must be notified to inspect for potential recharge features along the cleared fault areas. According to FEMA flood insurance maps, no part of the site is located within the 100-year floodplain. However, East Elm Creek is immediately west of the property. The floodplain must be buffered in accordance with Ordinance No. 81491.

4. Water Pollution Abatement Plan:

As of the date of this report, a Water Pollution Abatement Plan (WPAP) has not been submitted to the Texas Commission on Environmental Quality (TCEQ). A WPAP will be required to be submitted and approved by the TCEQ prior to the commencement of construction.

ENVIRONMENTAL CONCERNS

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

1. Site Specific Concerns:

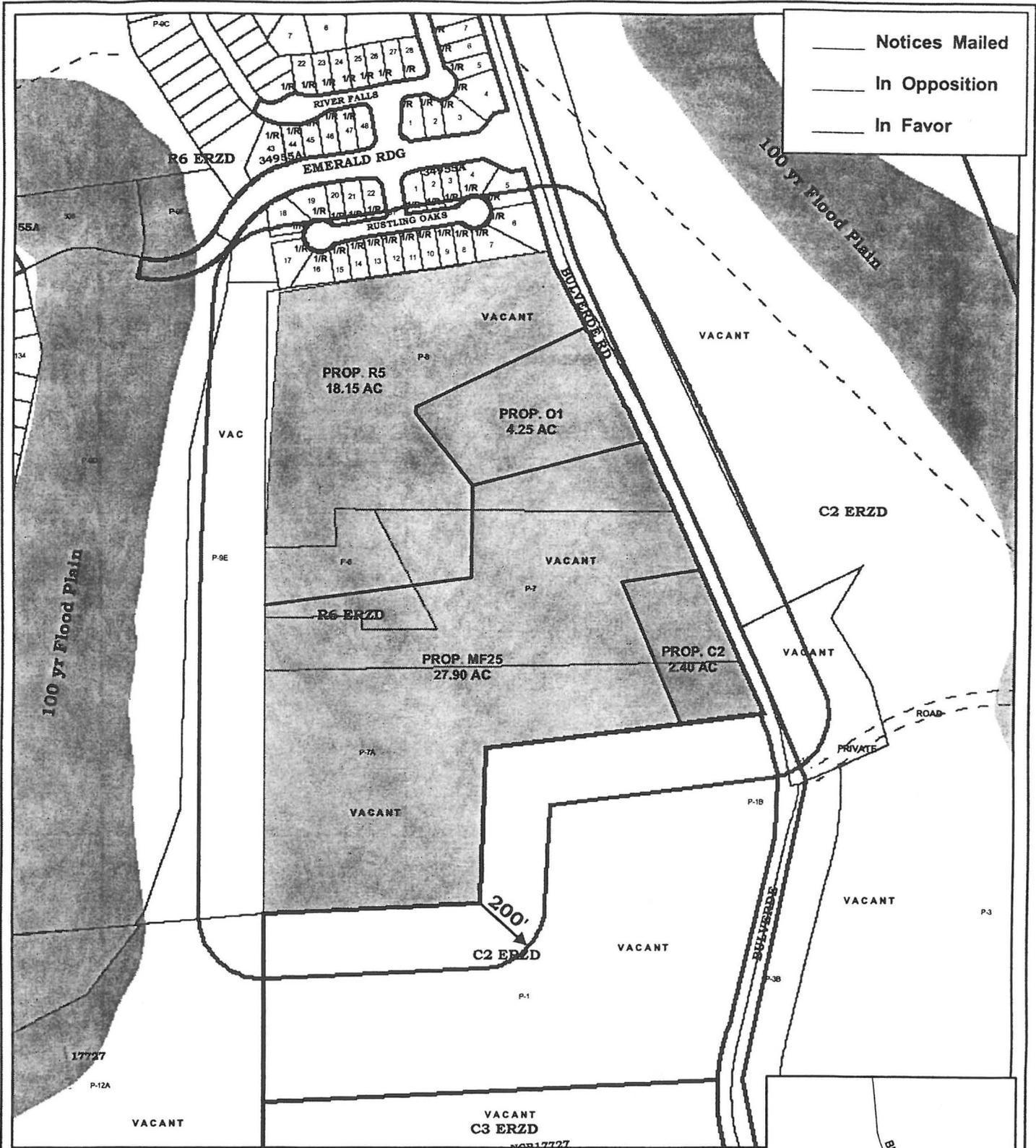
- A. The three wells on the site will be required to be properly abandoned once they are no longer needed for the current residences.
2. Standard Pollution/Abatement Concerns:
- A. The improper use of pesticides, herbicides, or fertilizers needed for landscape maintenance that may be carried off in the 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. The proper construction, maintenance, and operation of any on-site sewage facility (septic tank).

ENVIRONMENTAL RECOMMENDATIONS

The following recommendations address the environmental concerns raised by the construction of this development on the Edwards Aquifer Recharge Zone:

1. This property must be developed as Category 2 property, in accordance with all provisions of Ordinance No. 81491 and will include limits on impervious cover.
2. If any of the three wells become abandoned, they must be properly plugged according to the City Code Chapter 34 Division 2 Section 574 by a registered well driller.
3. Any septic system located on the site must be properly abandoned according to Bexar County rules and regulations.
4. Development within the floodplain and floodplain buffer zones must be in accordance with Ordinance No. 81491 governing development on the Edwards Aquifer Recharge Zone in the Floodplain Preservation Area.
5. 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.
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. SAWS staff shall inspect the fault area for any sensitive recharge features. If found, they must be properly buffered.

7. 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.
8. The land uses within the commercial 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.
9. 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.
10. The storage, handling, use and disposal of all 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.
11. 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 Aquifer Protection and Evaluation Section of the San Antonio Water System at (210) 704-7305 to schedule a site inspection. Additionally, we recommend a maintenance plan and schedule be developed and submitted to the Aquifer Protection and Evaluation Section of the San Antonio Water System.
 - 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.



ZONING CASE: Z2004-119

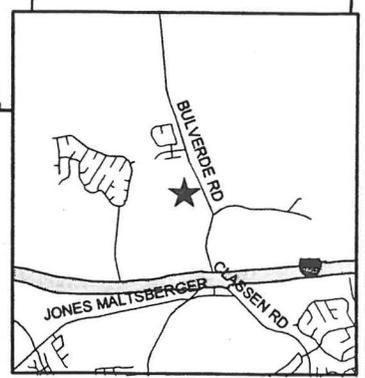
City Council District No. 10
 Requested Zoning Change
 From: "R6 ERZD" To "MF25,O1,C2,R5PUD ERZD"
 Date: November 4, 2004
 Scale: 1" = 400'

Subject Property
 200' Notification

B-2
p.518



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(A.Z.)





Zoning Case Z2004119

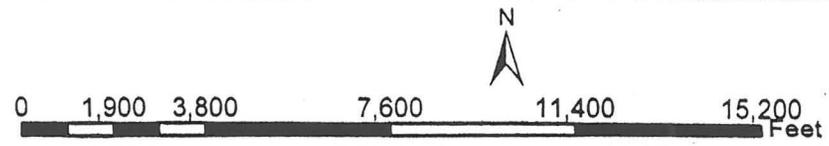
Figure 1

52.7 acres on Bulverde Road

Map Page 518 B2

X = 2151999 Y=13769016

Map Prepared by Aquifer Protection and Evaluation KJS 4/22/2004



1:47,159



Zoning Case Z2004119

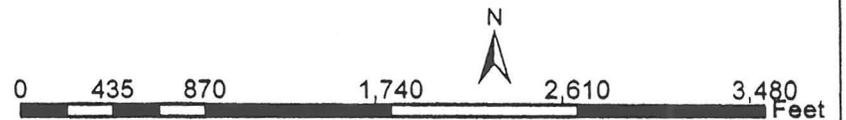
Figure 2

52.7 acres on Bulverde Road

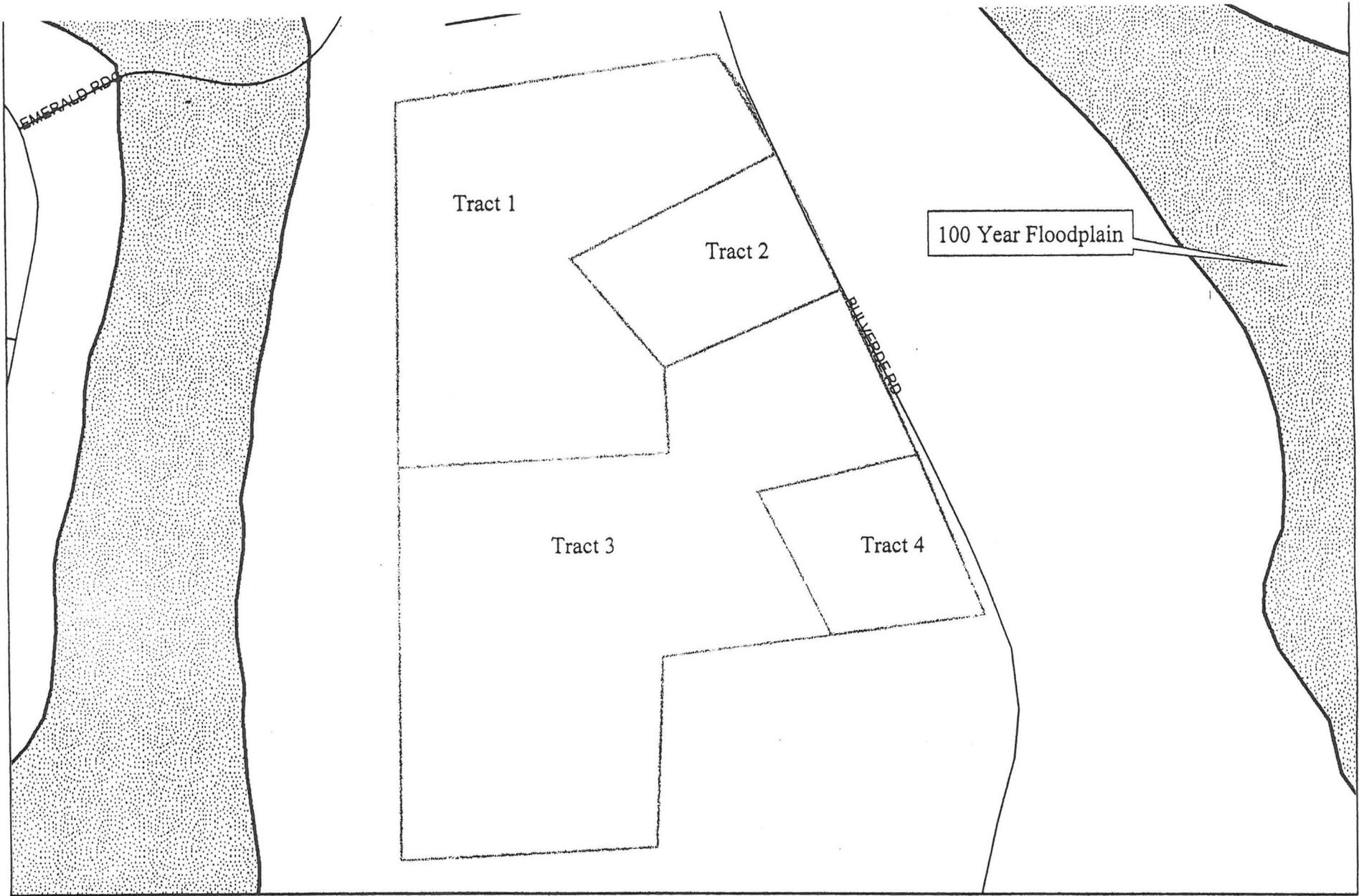
Map Page 518 B2

X = 2151999 Y=13769016

Map Prepared by Aquifer Protection and Evaluation KJS 4/22/2004



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Zoning Case Z2004119

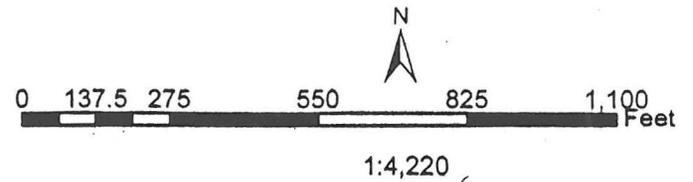
52.7 acres on Bulverde Road

Map Page 518 B2

X = 2151999 Y=13769016

Map Prepared by Aquifer Protection and Evaluation KJS 7/19/2004

Figure 3



Submitted by Richard Allen

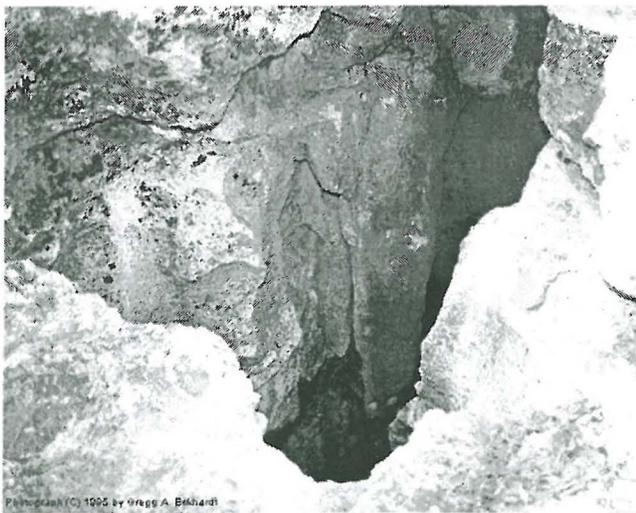
**Zoning case no.
Z2004119
18221 Bulverde Road**

Aquifer Guardians in Urban Areas

Thursday, November 4, 2004



Stormwater runoff is not filtered



Pit cave in
northwest
Bexar County

Photograph (C) 1995 by Gregg A. Eckhardt

Photograph © 1995 by Gregg A. Eckhardt



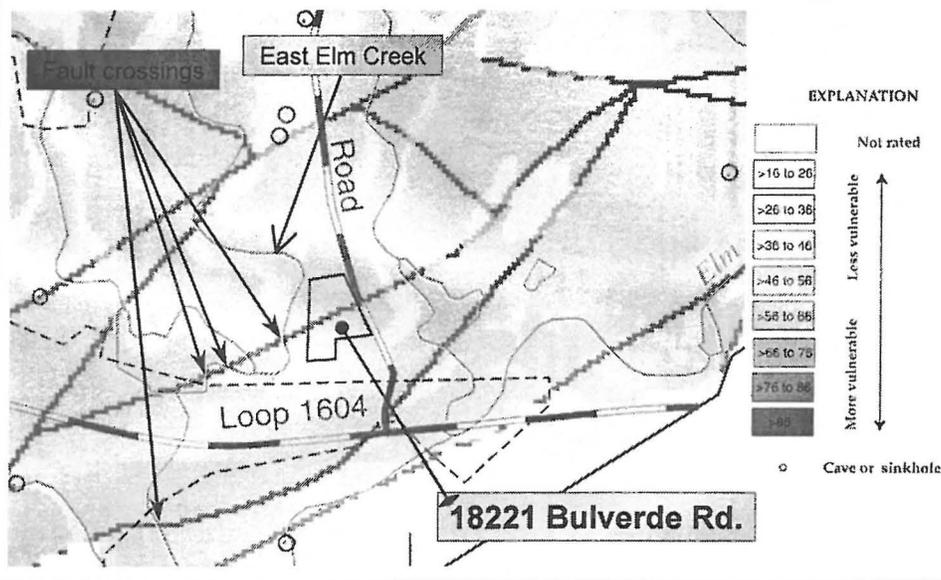
Runoff entering Hills and Dales Cave



Photograph courtesy of Edwards Aquifer Authority

AGUA
AQUIFER GUARDIAN NETWORK

USGS Vulnerability Map



Proposed upzoning is incompatible with aquifer protection ordinance

R-5 PUD impervious cover far exceeds limits in aquifer protection ordinance

Villages at Stone Oak PUD

(R-5 PUD zoning)

53% impervious cover

Aquifer Protection Ordinance

(Single-family residential)

30% impervious cover



Upzoning will nearly double impervious cover

Current zoning

- R-6 Single-family residential – 30% impervious cover

■ **30% impervious cover**
(overall)

After upzoning

- Office – 65% impervious cover
- Commercial – 65% impervious cover
- Multi-family – 50% impervious cover
- R-5 PUD – 30% impervious cover

■ **54% impervious cover**
(overall)



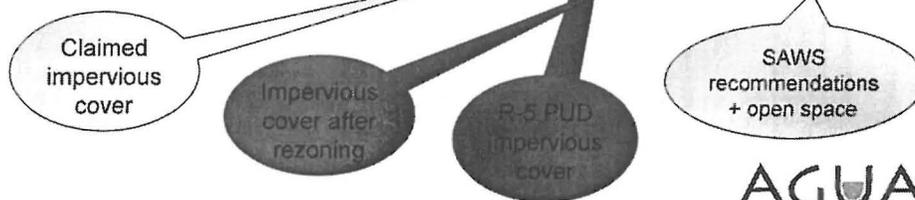
Impervious cover limits may be exceeded

- ... *impervious cover limits may be exceeded in a given area if compensated for in another area which is within the same overall project...*
 Aquifer Protection Ordinance sec. 34-930(d)(1)
- Proposed open space can be used to increase impervious cover on other tracts.



Impervious cover comparisons

| | Tract area (acres) | Proposed zoning | Category 2 impervious cover limits | Category 2 impervious cover- using open space compensation | SAWS impervious cover recommendations to WQ committee |
|------------------------|--------------------|-----------------|------------------------------------|--|---|
| Detached single family | 18.2 | P-1, R-5 | 30% | 55% | 20% |
| Office | 4.3 | O-1 | 65% | 74% | 50% |
| Multifamily | 27.9 | MF-25 | 50% | 71% | 40% |
| Commercial | 2.4 | C-2 | 65% | 74% | 50% |
| Open space/greenbelt | 11.0 | R-6 | 0% | 0% | 0% |
| Totals | 63.7 | | 37% | 54% | 28% |



Single-family recommendations are realistic

| Project Name | Project type | Zone | Total area (acres) | Impervious Cover (acres) | % impervious cover |
|---------------------------|---------------------------------------|---------------|--------------------|--------------------------|--------------------|
| Hidden Canyon S/D | Residential subdivision | Recharge Zone | 117.8 | 15.1 | 13% |
| Shadow Canyon Subdivision | Residential Subdivision | Recharge Zone | 52.7 | 9.1 | 17% |
| Ridge at Hardy Oaks | Single family residential - 16 lots | Recharge Zone | 9.9 | 1.9 | 19% |
| Canyon Springs, Unit 11-1 | single-family residential | Recharge Zone | 116.9 | 22.5 | 19% |
| Links at Canyon Springs | Single family residential | Recharge Zone | 115.7 | 22.5 | 19% |
| Cibolo Trails S/D | Residential subdivision | Recharge Zone | 81.2 | 15.8 | 20% |
| San Miguel Subdivision | Single family residential | Recharge Zone | 83.5 | 16.5 | 20% |
| Cambridge Subdivision | Single family residential subdivision | Recharge Zone | 34.7 | 6.9 | 20% |
| Indian Springs Phase I | Single family residential | Recharge Zone | 860.2 | 171.8 | 20% |



Commercial/office recommendations are realistic

| Project Name | Project type | Zone | Total area (acres) | Impervious Cover (acres) | % impervious cover |
|-------------------------------------|---|---------------|--------------------|--------------------------|--------------------|
| Four Paws Veterinary Hospital, Inc. | Veterinary office and associated parking | Recharge Zone | 5.0 | 0.4 | 8% |
| Church of Jesus Christ LDS | Church complex, parking and related facilities | Recharge Zone | 7.0 | 2.0 | 28% |
| Halo Productions | Commercial building with associated parking lot | Recharge Zone | 1.4 | 0.4 | 28% |
| Bob J. Beard Elementary School | Public elementary school | Recharge Zone | 19.0 | 5.7 | 30% |
| NEISD-Reagan High School | Additions to high school | Recharge Zone | 82.8 | 25.9 | 31% |
| Kids-R-Kids | Day care facility, playground, office building and associated parking | Recharge Zone | 3.6 | 1.3 | 36% |
| Stone Oak Temple | Church and associated parking | Recharge Zone | 5.4 | 2.1 | 38% |
| Cornerstone Self-Storage | Commercial lot | Recharge Zone | 7.7 | 3.1 | 40% |
| Life Family Church | Church complex | Recharge Zone | 22.1 | 8.9 | 40% |
| Canyon Parkway Elem. School | Elementary School complex | Recharge Zone | 19.3 | 8.1 | 42% |
| Broadway Bank @ Huebner | Bank building complex | Recharge Zone | 1.9 | 0.9 | 47% |





AGUA recommendations

- In exchange for this upzoning, which increases the value of applicants property:
 - Limit impervious cover to 25%
 - Require a legally binding agreement

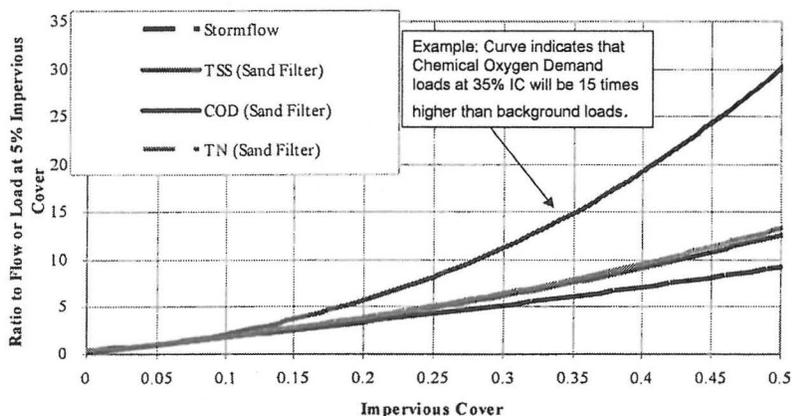


Engineered Structural Controls Cannot Replace Impervious Cover Limits



Effects of Development on Our Water: Storm Runoff Pollution

Increasing Storm flow and Pollutant Loads
with Increasing Impervious Cover



Stream Bank Erosion



AGUA
AQUÍFERO CIUDADANOS Y NEGOCIOS

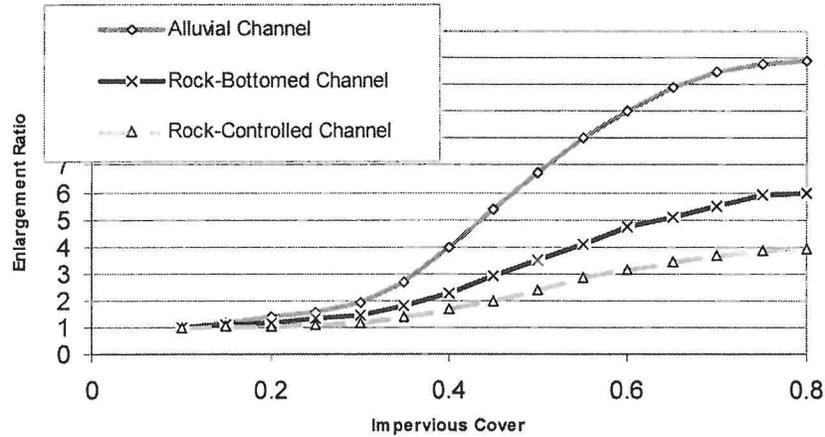
Stream Bank Erosion

- 80% of suspended solids pollution comes from channel banks downstream from the developed watershed
- Engineered water quality controls do nothing to remove this additional sediment pollution.

AGUA
AQUÍFERO CIUDADANOS Y NEGOCIOS

Stream Bank Erosion

Figure 2. Stream Enlargement Ratio versus Impervious Cover



**Engineered
Structural Controls
Fail**

BROWN, P.C.

Attorneys at Law

112 E. Pecan Street
Suite 1490
SAN ANTONIO, TEXAS 78205
(210) 299-3704 Phone
(210) 299-4731 Fax

September 17, 2004

Mr. Roger A. Haynes, President
Emerald Forest Home Owner's Association (EFHOA)
3555 Emerald Rdg.
San Antonio, Texas 78259

Via Hand Delivery

Re: Land Use Proposal in connection with City of San Antonio Zoning Case
No. 2004119

Dear Mr. Haynes:

As a condition of support of the EFHOA for the above reference zoning case, the owner and developer of the subject property hereby agree to impose the following land use restrictions on said property:

I.

The following restrictions apply to those proposed single-family lots which abut the existing single-family lots in the Emerald Forest Subdivision:

- A. The owner hereby agrees to impose a one-story height restriction;
- B. The owner hereby agrees to impose a twelve-foot building setback from the rear property line;
- C. The owner hereby agrees that no adjacent structures, buildings or decks (excluding single-family homes) may exceed eight feet in height or the height of the privacy fence separating the properties;
- D. The owner hereby agrees to construct an eight-foot solid cedar wood fence along the rear property line of the proposed single-family lots which abut the existing single-family lots in the Emerald Forest Subdivision. The Owner will use its best efforts to match in height the proposed fence with the existing fence. However, where the existing fence is less than eight feet in height, the proposed fence will be constructed at eight foot.

II.

The owner hereby agrees to construct a stone column and wrought iron fence along the western property line of Tract 3. The spacing between the stone columns will not exceed thirty feet. The owner also agrees to place a vegetative buffer along the western fence line of Tract 3. Six foot cedar fencing will be constructed on the western edge of Tract 1 (see attached map).

III.

The owner hereby agrees to impose a vehicular and pedestrian non-access easement between the property owned by said owner and the abutting property owned by Laredo National Bank. The owner hereby agrees that no openings, gates, walkways, driveways, roadways, will be allowed from the western edge of Tract 1 and 3 to the abutting property owned by Laredo National Bank. In the event that the owner acquires the Laredo National Bank tract, these restrictions will apply to the western edge of the Laredo National Bank tract.

IV.

The owner hereby agrees that utility connections from or through the western parcel owned by Laredo National Bank will not encroach on Lots 17 and 18 in the existing Emerald Forest Subdivision. During construction for said utility connections, the owner agrees to use its best efforts to save all trees behind Lots 17 and 18.

V.

The owner hereby agrees to incorporate the above referenced restrictions into a set of restrictive covenants that will be filed of record in the real property records of Bexar County, Texas. The restrictive covenants will be held in trust until the rezoning of the subject property is approved and becomes effective. At such time, the owner hereby agrees to provide the Home Owner's Association with an executed original of the subject restricted covenants or in the alternative, agrees to file said restrictive covenants in the real property records of Bexar County, Texas

If you have any questions with regard to this matter, please do not hesitate to call.

Very truly yours,

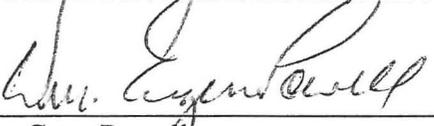
BROWN, P.C.

BY: _____

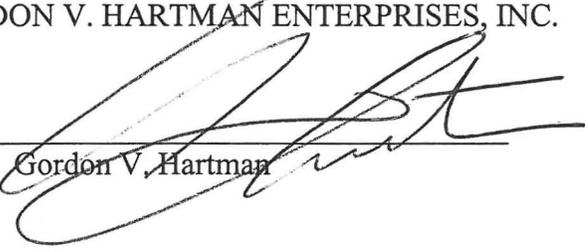

Kenneth W. Brown, AICP

APPROVED AS TO FORM AND CONTENT

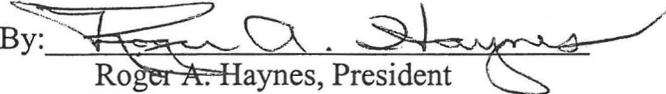
NEWTON BULVERDE ROAD, LTD.

By: 
Gene Powell

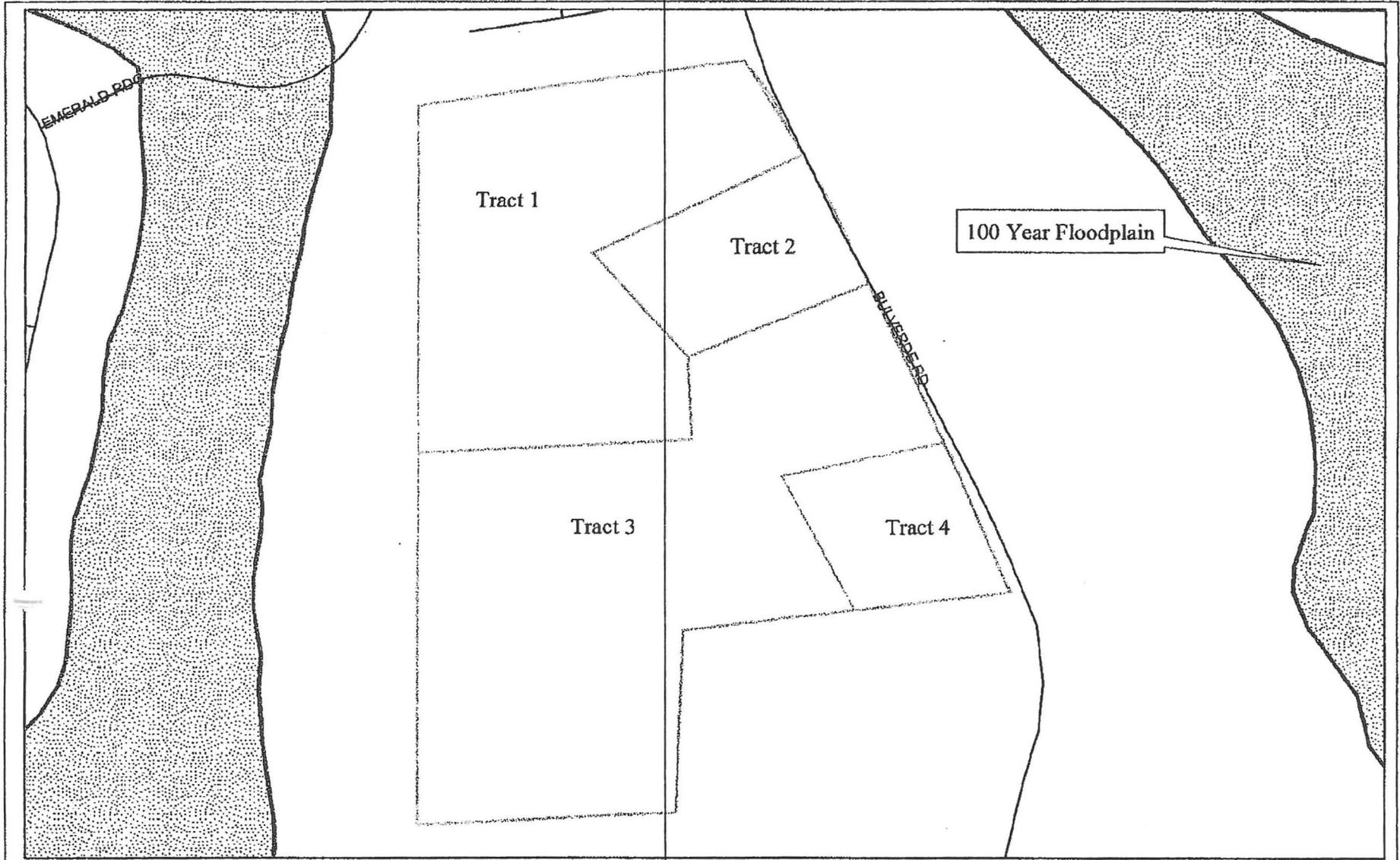
GORDON V. HARTMAN ENTERPRISES, INC.

By: 
Gordon V. Hartman

EMERALD FOREST HOMEOWNERS ASSOCIATION

By: 
Roger A. Haynes, President

- cc: Councilman Chip Haass
Zoning Commissioner Steve Grau
Gordon Hartman, Gordon Hartman Homes
Dan Kossl, Bitterblue Development



Zoning Case Z2004119

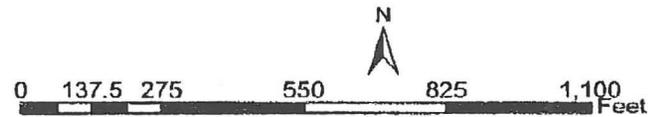
52.7 acres on Bulverde Road

Map Page 518 B2

X = 2151999 Y = 13769016

Map Prepared by Aquifer Protection and Evaluation KJS 7/19/2004

Figure 3



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